

July 5, 2012

A regular meeting of the Village Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Thursday, July 5, 2012 at 7:30 PM. Eastern Daylight Savings Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont Mayor

Marlane Amelio)

Joseph Cannella) , Trustees

Stephen Malfitano)

Fred Sciliano)

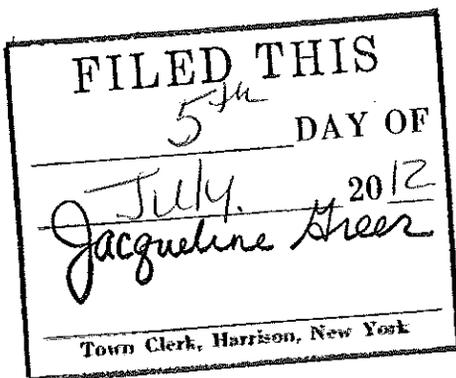
ALSO ATTENDING:

Frank Allegretti Town Attorney

Christopher Cipolla Deputy Village Attorney

Anthony Marraccini Chief of Police

Maureen MacKenzie Treasurer



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July 5, 2012

V - - 2012 - - 068

APPROVAL TO AMEND THE CURRENT VILLAGE ORDINANCE 38-19 (D)
TO REMOVE THE WORD "RESIDENTIAL" AS IT RELATES
TO THE DESCRIPTION OF THE WORD "STREET"

Town Attorney Allegretti said if you go back to the first meeting of the year, we had discussions and actually amended our Vehicle and Traffic Law that evening; that banned the parking of commercial vehicles in residential zoning districts. The way the zoning code was written it refers to a residential street and defines it as such. Since then the Chief has wanted to amend it even further to include all streets in the geographical limits of the town; hence the proposal now before the Board to remove the word residential before the word street. It will be banned on all streets. Is that correct Chief?

Chief Marraccini said yes we believed that that was always the intent, or spirit of the law, to include all the streets of Harrison, unaware of the technical zoning definition of a residential street it leaves out some of the streets in the town. My concern, obviously, is that we have a flood of commercial vehicles parking on streets that are commercially zoned or adjacent to commercial areas. When this was proposed, the spirit of it was to try and prevent those types of situations from occurring and have it include all streets in town. It was brought to my attention that potentially, if you go by the zoning definition of a residential street, it doesn't include all streets in the town.

Trustee Cannella asked if this would just be an amendment.

Town Attorney Allegretti said correct. It would be a simple amendment, by resolution, if there are three votes to change. This is a Vehicle and Traffic section of our code and we could do this by resolution.

Trustee Malfitano asked that out of curiosity do we know what streets, areas, and how many we are talking about and what the history is?

Chief Marraccini said the way that the law was being enforced, and I think that the way we promoted the law, especially when we did the notifications, where we sent out flyers, well prior to the law taking effect, I was under the impression that the law effected every street in the town.

Trustee Malfitano said that he wasn't under that impression. I was specifically aware of the fact that we weren't addressing streets in commercial zones. I don't know specifically, how wide an area we are talking about, how many streets we are talking about, what the usage patterns have been over the last decade. I'm concerned about walking into another situation, by making a change and adopting an amendment here, that we will displace more people without our knowing.

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Chief Marraccini said we have been enforcing the law on all the streets throughout Harrison and I believe there is only one person that has made a complaint about it on Purdy Street using this as a way out. The issue for me is that I believe if we do not adopt this that you are going to have commercial vehicles parking in the heart of Silver Lake, on Lake Street, probably on Underhill Avenue because it is adjacent to a commercial district.

Trustee Malfitano said it is adjacent to but it is not in a commercial district. I need to understand what we are defining here.

Town Attorney Allegretti said if you look at the back up, the residential street is defined as every street located in a residential zoning district, as defined in the Town of Harrison Zoning Ordinance then in effect. It further says where the division line between a residential and non residential district is located, whole or in part, between two consecutive street intersections, the entire length of the street, between such intersections, shall be residential, with a division line between residential and non residential streets is located in whole or in part, between the opposite curbsides of the street, only the curbside of such street, which is wholly or partly within the residential district, shall be the residential district. The issue on Purdy Street is it is a NBD/ CBD district and it doesn't become residential until the bottom of the street. That whole street is not a residential street.

Trustee Malfitano asked what are the streets?

Chief Marraccini said he believes Haviland might be one. I think parts of Underhill might be. Lake Street is for sure a commercial district. Halstead Avenue, Harrison Avenue so there are many places. I thought that I was clear, when we did the enforcement, that it needed to apply to all streets in town so we could avoid, basically everybody, and all the commercial vehicles, that were parking on the hill in Silver Lake, coming down and parking along Lake Street. That is why we included the Municipal lots also. I'll tell you I have gotten a lot of positive feedback from the residents on this law. It seems to have made some of these residential areas a little more pleasant.

Trustee Cannella said that he will support it but I will admit that I have some concerns myself but let's see how it goes. I vote a reluctant yes.

Trustee Malfitano said I just don't know what the repercussions are going to be. It is not defined enough for me. I vote a reluctant yes.

July 5, 2012

V -- 2012 -- 068

APPROVAL TO AMEND THE CURRENT VILLAGE ORDINANCE 38-19 (D)
TO REMOVE THE WORD "RESIDENTIAL" AS IT RELATES
TO THE DESCRIPTION OF THE WORD "STREET"

On motion of Trustee Amelio, seconded by Mayor Belmont,

it was

RESOLVED to approve the request by Chief of Police Anthony Marraccini for authorization to amend the current Vehicle Ordinance 38-19 (D) removing the word "residential".

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

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<p>FILED THIS</p> <p><u>5th</u> DAY OF</p> <p><u>July</u> 20<u>12</u></p> <p><i>Jacqueline Greer</i></p> <p>Town Clerk, Harrison, New York</p>

July 5, 2012

V - - 2012 - - 069

APPROVAL OF THE RESOLUTION AUTHORIZING THE PURCHASE OF
EQUIPMENT FOR THE POLICE DEPARTMENT IN AND FOR THE
VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK AT A
TOTAL MAXIMUM ESTIMATED COST OF \$85,100 AND AUTHORIZING
THE ISSUANCE OF \$85,100 BONDS OF SAID VILLAGE
TO PAY THE COST THEREOF.

On motion of Trustee Amelio, seconded by Trustee Cannella,

it was

RESOLVED by the by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Harrison, Westchester County, New York, as follows:

Section 1. The purchase of equipment for the Police Department consisting of (a) portable radios (\$53,500) and (b) amber warning lights for crosswalks (\$31,600) in and for the Village of Harrison, Westchester County, New York, is hereby authorized at an aggregate maximum estimated cost of \$85,100.

Section 2. The plan for the financing of such maximum estimated cost consists of the issuance of \$85,100 bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The faith and credit of said Village of Harrison, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same become due and payable. An annual appropriation shall be made in each year

sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with as the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the *Journal News*, the official newspaper of said Village hereby designated for such purpose, together with a notice of the Village Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

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

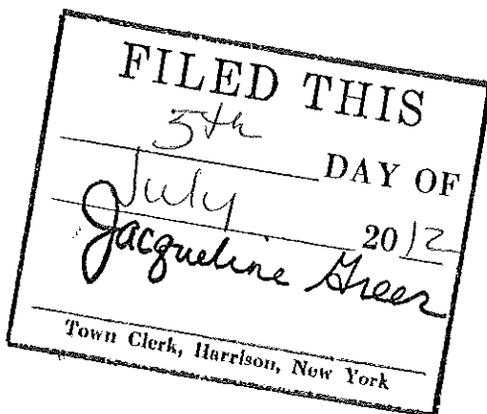
<u>Trustee Amelio</u>	VOTING	<u>AYE</u>
<u>Trustee Cannella</u>	VOTING	<u>AYE</u>
<u>Trustee Malfitano</u>	VOTING	<u>AYE</u>
<u>Trustee Sciliano</u>	VOTING	<u>AYE</u>
<u>Mayor Belmont</u>	VOTING	<u>AYE</u>

The resolution was thereupon declared duly adopted.

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July 5, 2012

V - - 2012 - - 070

OLD BUSINESS

Harrison resident Emil Toso said for the last ten years or so I have been addressing the various Boards about the off-street parking lots and the costs of these lots to the tax payers of Harrison. Basically it boils down to every parking space that is off-street parking costs the taxpayers \$3,300 per space when you include the taxes, debit service, administration, etc. Basically we have 7,000 taxpayers paying for these lots that the proceeds benefit all landlords of apartment houses, of retail stores, that have not provided any parking for their rental units. Along those same lines I want to talk about a different matter. I read that the Metro North Line that runs through Harrison is the second most trafficked line in the country. I also read that Harrison Station is the second most trafficked station of the Metro North Line. I thought that all the properties around the station belonged to Metro North but I have come to find out that only the portion that is on the Halstead Avenue side belongs to Metro North and all the spaces on the other side belong to the taxpayers of Harrison. As you know we have approximately 450 commuter spaces. If you take these 450 spaces and consider that they cost us \$3,300 each you can realize that the cost is up over a million dollars. What we get out of the \$3,300 is \$600 back from the commuters so when you analyze the whole thing we are subsidizing the commuters to the extent of \$2,700 a space. We are subsidizing Metro North. What we should be saying to them is that we are providing you with 450 additional riders. You need to give us that money. You give us \$4,000 a space and you can do what you want with these spaces. When Metro North designed the railroad they put 200 spaces in the front on Halstead Avenue for the purpose of Harrison commuters. By putting these 450 spaces on the other side we practically vacated the front spaces on Halstead Avenue. The void was filled by other communities. When you look at the overall situation, we are not only subsidizing Metro North we are subsidizing Rye and points north that come down and use the Harrison station.

Mayor Belmont said to Mr. Toso that we have been over this several times and he appreciates him telling the Board and the viewers.

Harrison resident Emil Toso said that his solution would be to tell Metro North that we will give you the spaces but give us \$4,000 per space. That is not a realistic approach though. Take the land and sell it. I am talking about the land all the way to the Rye line. It is excellent for condominiums.

Mayor Belmont said to Mr. Toso that he spoke to other Supervisors in Westchester and they did not agree with your \$3,300 per space. I just want you to know. I also had meetings with the MTA and we are not in the top ten in America as far as riders and commuters go.

Town Clerk Greer wanted to update the Board and residents on the No Knock Registry. She said that since the law was enacted last week close to 500 residents have registered. The form can be filled out on the Town website. For your privacy, your name is not on the registry, only your address. Also if you are on the registry and a solicitor comes to your door or if the solicitor doesn't have a badge issued by the police department call the police immediately. I'd like to commend the Harrison Police Department for making an arrest under the new law. According to the Harrison Patch a women was arrested for going door to door soliciting without a permit.

July 5, 2012

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed at 9:27 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 11:15 PM.

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
with all members voting in favor declared closed at 11:16 PM.

Respectfully submitted,

Jacqueline Greer
Village Clerk

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