

April 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 Tuesday April 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:

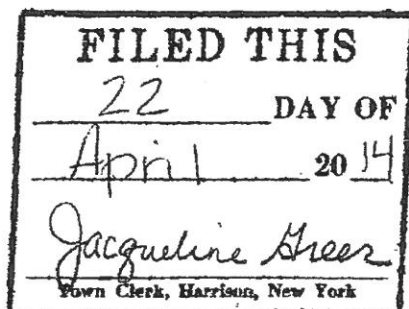
Jonathan Kruat Village Attorney

Christopher Cipolla Deputy Village Attorney

Maureen MacKenzie Comptroller

Anthony Robinson Commissioner of Public Works

Robert Fitzsimmons Building Inspector



Copies to:

☒ Assessor
☒ Benefits
☒ Bldg
☒ Compt'r
☒ Engrng
☒ Law
☒ Police
☒ P. Wrks
☒ Purch'g
☒ Recor'm
☒ Supvs'r

April 1, 2014

2014 - - 147

PUBLIC HEARING RE: CHAPTER 169 "LANDLORD REGISTRY"

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

Village Attorney Kraut introduced the proposed local law entitled Landlord Registry. It would add a requirement, without any fee or charge, that properties being used for rent, that being two families and above, in terms of number of units. It excludes from this list, condominiums and cooperatives units that are owned individually. The Registry would contain information about the property and most importantly provide the Town with the ability to get in touch with a responsible person in connection with that property. This is a local law that is supported by the department heads from a code enforcement standpoint. It is supported strongly by the law department as something that is a necessary tool so that we can get in touch with the rightful owners. I would point out just as a matter of history it was a law that in slightly different form, initially with a fee, had been proposed around 2009. It was not adopted, sadly, from our prospective. There are other communities who have successfully adopted very similar, if not identical, laws enabling them to have the tools that we are asking for. They have done so successfully and it has been helpful to their communities.

Building Inspector FitzSimmons said that the Village Attorney is correct that this was originally put forward as a draft in 2009. At that point in time we did not invent it. We were trying to improve upon what other communities had. We have a need on our multi-family rental properties to be able to have a responsible contact person. Many properties are being put into corporate names where we have to do a search for an LLC to see who we can contact and see who we are serving. I would like to make a recommendation. Five years ago when this was originally proposed the number of single family homes in town that were rental properties wasn't as great as it is now, if you would consider adding one family rentals to this. This would be a great tool and would be a big assist. I read the modified version and we can implement it.

Supervisor Belmont said he had a comment on the one family rental property. I think the intent of the Board and Law Department was to start with multi families and then add the single families at a later date.

Councilman Sciliano said he agreed with Building Inspector FitzSimmons. This is a quality of life issue for the people who live in Harrison and in the neighborhood; I agree with the single family home being included in the registry. If we are going to pass something it should include all of it. In regards to Co-Ops and Condos, I think we should require management contact. It is very important.

Building Inspector FitzSimmons said we have the management company contacts. That is not a problem.

April 1, 2014

2014 -- 147 (continued)

Village Attorney Kraut said that he agreed with Mr. FitzSimmons and Councilman Sciliano on the one family properties being included and we are perfectly okay with this modification, if the law is adopted. When I look back at the 2009 version it started out initially without them included. What then happened is someone raised this very comment, it was then included, the Public Hearing was continued, and ultimately what we heard was some people objected to it including the single families. What happened, from my view anyway, it was whipsawed, where initially it did not include the single families then they were added and the registry "died on the vine". We have continued to struggle with the same issues. We've gotten the same complaints from abutting property owners and tenants. Some other communities do charge a fee. We are not asking for a fee. From our prospective it is a service that will allow us to better serve the wider community; if you want to make the change to include single families that's great.

Councilman Cannella said he wanted to make a comment to go over the history of this. It was a number of years ago that this was started and there was a little bit of a firestorm that I don't think was really justified. I believe part of the problem with it was the fee that we were going to charge. My recommendation is the following: I would like to see this expanded to any dwelling that is not owner occupied, which would be all inclusive, it could be one, two or multiple dwellings. I would like to reserve on rather condo or co-ops were included or not depending on having someone we could contact in the case of an emergency during off business hours where you can't get a hold of the management company.

Village Attorney Kraut said on the condos and co-ops, internally we did discuss this issue. We do have emergency contacts for off hours. The other point with regard to all other structures, even owner occupied, should be required to register for several reasons. One of which over many years we've had countless owner occupied multi families that have illegal dwelling units in them. This Landlord Registry does require that the owner indicate the number of dwelling units that are within the property. That winds up on the registry.

Councilman Malfitano said an owner occupied single family dwelling can rent space to up to a number of unrelated parties. If you go that far with this and you require an owner occupied dwelling to register I want you to think about what the consequences of non compliance for an owner occupied dwelling are. In accordance with the provisions of this law, if you fail to register your property, you're deemed to be non compliant with the building department and your certificate of occupancy is ruled null and void.

Village Attorney Kraut said what the professional staff is really asking for is the adoption of a law that will provide us with the tools that we need. My suggestion is to hear the individual public comments and focus on what the real objection's are to it.

April 1, 2014

2014 - - 147 (continued)

Councilwoman Amelio said she is confused why there is any negative discussion about this at all. We are not asking for anything out of the ordinary. Of course, we will hear what your concerns are. I don't think you understand what we are asking for.

Councilman Malfitano said my only concern is that we go too far with this. I think requiring a single family homeowner to register his home when he occupies it and the violation for non compliance; this is something I will not support.

Harrison resident Richard Dionisio said he understood that we needed emergency contact information with homes but I think to bring balance to this the one family houses should be required to register also; and for all the reasons you have been talking about, fire, Con Edison, police, etc. If you own a one family house does this make you feel uncomfortable to register?

Councilman Malfitano said it is a matter of record. Every property owner in the Town/Village of Harrison is a matter of public record. Whether or not they are a corporate entity with a phone number that we have on file is all the more reason. The issue I have, just to be clear, isn't that we shouldn't know who owns all of our properties in the Town/Village of Harrison for emergency purposes; it's in requiring a person to do that. It's there own home, they live there, they are not renting it.

Harrison resident Richard Dionisio said you don't know that they are not living there. There are people that have one family houses and rent them. They aren't going to tell you that they rent them. They pay their taxes, you think they are living there but they are not. Everybody should be equal and file. Down the road this will make equity to the law. It seems like it is always focused on multi family. You want an updated system, an updated law, do it right.

Councilman Cannella said I think that Bob FitzSimmons is correct. We have single family homes that are being rented or in corporate names, it's the same problem. I would recommend that we modify this, leaving aside the question of understanding better what goes on with condos or co-op's, which I'm not sure if we have access to people during off hours. I suggest we amend this to deal with any multi family home or any single family home that is not owner occupied. I don't know that there is a reason to have a single family owner, that's on the deed, and we know exactly who they are, go through the registration process. If the property is rented then it should be listed. If we do it by way of any single family home that is not owner occupied and any multi family home, leaving aside the issues of co-op's and condos, that wraps everything that we are trying to tap here.

April 1, 2014

2014 - - 147 (continued)

Councilman Malfitano said he wanted to add something to that. Mr. Dionisio's comments, in his opinion, require every property owner to register. The issue I have isn't in the registration, I could care less, that's a matter of public record for some people for others some of it, in its entirety, is not. You want to require it that's fine. But if you are going to ask an individual property owner, who owns a single family home, who lives in that single family home, to register and failure for not registering is a violation of the law that nullifies his certificate of occupancy and subjects that individual to fines, I think that is wrong, in my opinion. If you want to require everyone to register, I'm fine with that, but I think we need to be clear about what this law is trying to do. What is the real issue and what is going to be the penalty for failure to file in some time frame? By the way, has anyone thought about the number of homes involved here, any idea on how long this is going to take, any idea of what we are going to do in the interim while we are asking people to comply? If we were to affect this law tonight, at what point in time would we start to violate people?

Village Attorney Kraut said he just wanted to point out one thing before you take the rest of the public's comments. The specific language of the statute does not result in a revocation of anyone's certificate of occupancy. It is a violation. There is a significant difference between them. In this instance, if someone violated, and I can tell you as a routine matter, we have folks who violate their certificate of occupancy sometimes very inadvertently. What we always look for as municipal officials is compliance. If someone inadvertently didn't know and rented out their house and they didn't file it and then it came to our attention they would have to file it. That is really all we are asking for.

Councilman Malfitano asked Village Attorney Kraut what is the penalty for failure to file in accordance with the provisions of the law.

Village Attorney Kraut answered that it is a violation of their certificate of occupancy.

Councilman Malfitano said this law sets forth very clearly what the penalties are. "Any persons violating the provisions of this chapter shall upon the conviction be punishable by....." Councilman Malfitano was interrupted by Village Attorney Kraut.

Village Attorney Kraut said the operative law is upon conviction.

Councilman Malfitano said my question is how far do you want to go with this? Here is the point. You ask every property owner in the Town/Village of Harrison to comply with a law. You obviously want them to comply with the law, if they don't they are in violation. How far are you going to go with this? If you are not prepared to go the full distance what's the purpose of adopting the law?

April 1, 2014

2014 -- 147 (continued)

Village Attorney Kraut said absolutely, there is always an educational process and during the time it takes the community at large to become educated all we are looking for is compliance. I would like to hear the rest of the comments so we can address them all at once.

Harrison resident Rob Porto agreed with Councilman Malfitano. This is a law; laws are on the books for as long as Harrison exists. For Village Attorney Kraut to say we could repeal it is ludicrous. I suggest this not be a law and is something that is optional where for safety reasons you can register your home. This law is going to be punishable by \$250 to \$1,000 a day, that's a lot of money. This isn't just to help when somebody has water in the basement. This is to give the legal department the hammer to come in and really do what they want. It is not that easy to fill out, it has to be notarized. This shouldn't be law. This should be something that people can file for extra information. You have what you need. It is call a tax registry.

Harrison resident Christine Rolland said she is also a two family homeowner. Like Mr. Porto we don't think this is a good idea for all the same reasons but also for all our elderly people this will be a real hardship. It doesn't seem necessary and particularly for owner occupied units whether they are single or multi family. If the owner is there, you have the names and information and you call us up if there is something going on. You know who we are. I understand there is an issue with owner not occupied units but I think a voluntary registry would be fine; why would they not want to give you contact information. There is no need for this. The threat for all the fines doesn't feel good or necessary. It just feels like a "hammer". I hope you rethink this situation.

Councilwoman Amelio asked Village Attorney Kraut what other municipalities had a Landlord Registry.

Village Attorney Kraut said we didn't do an extensive survey. I can tell you that Mount Kisco has such a law and the Village of Port Chester has had one for probably ten years.

Harrison resident Rich Dionisio said just to be clear, so I understand what is going on here, are we proposing that all homeowners are included into this law if it passes.

Councilman Cannella said it is being debated as we speak.

Harrison resident Rich Dionisio said that's my point. If it is for safety reasons how do we know if someone rents out their house. I think for maybe one percent we are inconveniencing the whole Town of Harrison. If this law does pass I think it is very important for everyone to register to keep balance to this. I do think, in my heart, that this is directed to multi family for other problems. To keep this balanced you need to have every single homeowner register. Why wouldn't the town want the list for safety reasons?

April 1, 2014

2014 -- 147 (continued)

Village Attorney Kraut said I've heard three public comments. One speaker was concerned with it being distorted and that everyone should be treated equal. The reality is that often the governmental interest has to be balanced against what's going to be gained versus the inconvenience as someone called it. One of the Board members asked for the numbers. Currently on the assessment roll we have single families as 4, 220 plus an additional 33 as what we classify as estate size properties. These can be added together. We have 66 three family structures and two family residences, based on assessment records, are 1, 370. One speaker made the comment this is to put the "hammer to the residents". It is actually not. It is a tool that is intended to benefit the town by allowing us, not only to contact them in times of emergency, but yes to stamp down the ability to repeatedly rent out illegal units and to do so with making it very difficult to go after it. It is not penalizing the masses for the benefit of a couple of people. It is because we have had a persistent problem over many years. That's why this has been brought back to the table. We have notaries right here in the building, it is set up to help with a problem.

Harrison resident Anthony Morrella said his parents can't tell the difference between a bill and junk mail. This is difficult.

Village Attorney Kraut said we are talking about a form that would require the property owner to fill out with their name and some basic information. If folks wanted to comply with they would certainly be able to do so. Let's keep the focus on what the real issues are. Other communities that have implemented this have not said they had problems with elderly residents not being able to fill out the form. They don't exclude folks that are senior citizens.

Councilman Cannella said an obvious compromise, after listening to all of this would be the following: One way to reach a quality of interest would be to say that with respect to one and two family homes, registration is required to the extent that it is not owner occupied. This would also apply to any two family home where the owner of the property is not in the residence. Further it would obviously include all the corporate ownerships and any three family or greater homes. As for seniors living in their home and renting out the second floor this wouldn't be an issue because they are living in the home. My suggestion is to table this. Rewrite it so that it would apply to residential property where the owner is not residing in the premises. Specifically including single, two family and three family residences and above. For now we will leave aside the question of condos and co-ops.

Village Attorney Kraut said if the Board is of a mind to start going in that direction, what you might want to do as a compromise, with regards to the comments on single families, is to require that any single family that is held in a corporate entity register.

April 1, 2014

2014 - - 147 (continued)

Councilman Cannella said let me be clear. If a corporation owns a property it is not owner occupied by definition.

Village Attorney Kraut said to avoid the additional expense of re-advertising, if the Board wants changes made we will go over what they are and I would suggest keeping the Public Hearing opened so we don't have to republish.

Councilman Cannella said he would like to address the question of penalties. I did not view the language about a violation of the certificate of occupancy to suggest that the certificate of occupancy is null and void. I believe it is just the violation and that's it. Following up on some of the sentiments that Councilman Malfitano expressed which are not dealt with. When you have a new legislation like this, particularly if you carve it down as I suggested, there wouldn't be a massive number of people that would have to register. We would need to have a specific time frame during which people have an opportunity to register, so I think that needs to be done.

Village Attorney Kraut asked how long were you thinking so we could start working on this?

Councilman Cannella answered I certainly think there needs to be advertisement of it. It will affect rental properties, so however way you get to the landlords you need to have an opportunity to do that. Does anybody have a thought?

Supervisor Belmont said we have nine months till the end of the year. Should we make it effective January 1, 2015?

Village Attorney Kraut said if you were going to go in that direction, the law should be enacted as of the filing with the Secretary of State, as are all your local laws. With regard to any penalties that they be abided as a matter of law until the date certain you can use the end of the year.

Councilman Cannella said I'm okay with that but I want to get clarification on what the penalties are. I think being a little more specific on what the penalties are and given the fact that you could have, when something is new like this, this per day violations, which could be interrupted to mean that the violation is a per diem fine. That is pretty aggressive. I think we need to come up with something that makes a little more sense. I think a little bit more user friendly on the penalties, although I do not have a specific idea.

Harrison resident Rob Porto asked if this is going to be legal if you don't apply it to everyone. Why, if I own a two family house, should I be subject to fines up to \$1,000 a day and get papers notarized.

April 1, 2014

2014 - - 147 (continued)

Village Attorney Kraut said it is not just because you own property it is if you own property and wish to rent it out.

Harrison resident Rob Porto said people in one family houses should have to be subjected to it too. I don't think this is legal.

Councilman Cannella said what we just talked about was limiting it to single family and two family homes where the owner is not living in the premises. If you are renting a home, and you do not live there, we need to know where you are if there is a problem.

Councilman Sciliano said it is not uncommon, especially in beach communities, that the municipality puts a tax on those who rent when they register. In respect, I think this is a good compromise. This is a quality of life issue, which no one has addressed outside of the Building Inspector. The Mayor and the Town Board receive many complaints from residents who comply with the laws and maintain their homes. It is very unnerving to have to deal with unkempt homes on the block by landlords who do not occupy the homes.

Harrison resident Rob Porto said I'm glad you came clean. This was presented as a safety issue.

Councilman Sciliano said when you are subject to complaints of how people are living in the neighborhood and taking care of their property that is rented next to them. Some people have a total disregard for the neighborhood and we can't get in touch with them. Is that fair to you as a property owner who maintains your property? It actually devalues your property if a neighbor is renting his property and doesn't maintain it properly.

Councilwoman Amelio said I'm not sure I understand why no one views it as protection. We are trying to protect your property.

Harrison resident Vito Faga Jr. addressed the Board. I have been affiliated with the Harrison Fire Department for over 30 years. I am not speaking for them or representing them tonight. There have been practices in the past, when fire departments go out to locations, and Councilman Sciliano can tell you the same, that the departments would report back and have building or code enforcement officers show up when we find an illegal apartment. I agree with you that there are times when we can not get in touch with people when there is an emergency but I have to say in all honesty this went for the one family home as well. I know Councilman Cannella just said that you are bringing that into the scope of things. The bottom line is when you talk about emergencies it is everybody across the board. Administrations in the past had code enforcement officers as well as the building department going to people's homes and checking with seeing if they

April 1, 2014

2014 - - 147 (continued)

are in compliance with quality of life issues with too many people living in their houses. I know the fire department still calls out the building department when they find problems.

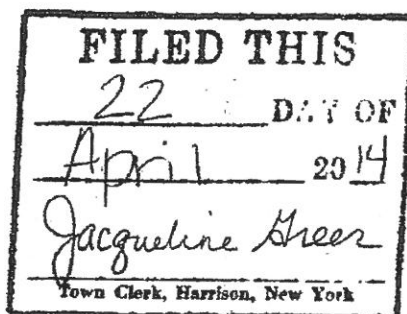
Supervisor Belmont said the date for continuation is May 1, 2014.

Councilman Cannella asked Village Attorney Kraut to make some suggestions for the penalty provisions and circulate them.

Councilman Malfitano said I think we kind of lost the meaning of that to a certain extent. The purpose and intent of this is truly for the safety and health and welfare of the community. I don't think there is anyone in this room that wouldn't support that. The question is how do we do something that is appropriate that doesn't get everybody's nose out of joint and isn't so onerous from a legal prospective with no compliance consequences that could be significant. There has to be balance and I think we could do that. I would make a motion that we move to continue this at our next meeting of May 1, 2014.

Councilman Cannella seconded the motion. He said he wanted to re-enforce, particularly if the Board goes in the direction that he suggested, if you rent residential property in the Town/Village of Harrison and you don't live here, it is not unfair for you to leave a trail so we can find you.

On motion of Councilman Malfitano, seconded by Councilman Cannella, with all members voting in favor, the Hearing was continued until the May 1, 2014 Town Board Meeting.



Copies to:
☒ Assessor
☒ Benefits
☒ Bldg
☒ Compt'r
☒ Engrng
☒ Law
☒ Police
☒ P. Wrks
☒ Purch'g
☒ Recr'tn
☒ Supvs'r

April 1, 2014

2014 -- 148

AUTHORIZATION FOR COMPTROLLER MAUREEN MACKENZIE AND
INTERMEDIATE CLERK GAIL FROHLICH TO
ATTEND THE NEW YORK STATE ASSOCIATION OF MUNICIPAL
PURCHASING OFFICIALS PROFESSIONAL DEVELOPMENT
CONFERENCE IN LAKE GEORGE, NEW YORK FROM MAY 6-9, 2014

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Comptroller Maureen MacKenzie for authorization for herself and Intermediate Clerk Gail Frohlich to attend the New York State Association of Municipal Purchasing Officials Professional Development Conference in Lake George, New York from May 6-9, 2014.

FURTHER RESOLVED that the total cost for this conference including meals, lodging, and mileage, will not exceed \$1,700. There will be no charge to the 2014 budget line except for the mileage reimbursement of \$300.00.

FURTHER RESOLVED that funds are available in the budget line 001-1315-100-0406

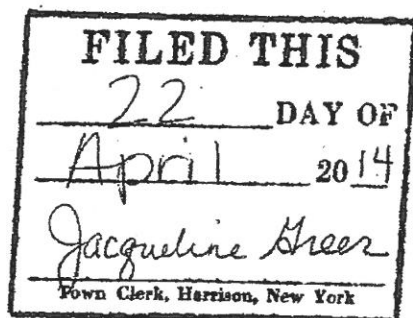
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:
☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☐ Engrng
☐ Law
☐ Police
☐ P. Wrks
☒ Purch'g
☐ Rec'n
☒ Supvs'r

April 1, 2014

2014 -- 149

AUTHORIZATION FOR PLANNING BOARD MEMBER KATE BARNWELL TO
ATTEND WESTCHESTER MUNICIPAL PLANNING FEDERATION 2014 LAND
USE TRAINING INSTITUTE ON APRIL 10, 2014

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

RESOLVED to approve the request by Rosemarie Cusumano for authorization for
Planning Board Member Kate Barnwell to attend Westchester Municipal Planning
Federation 2014 Land Use Training Institute on April 10, 2014. The cost for registration
is \$20.00. This is a budgeted item.

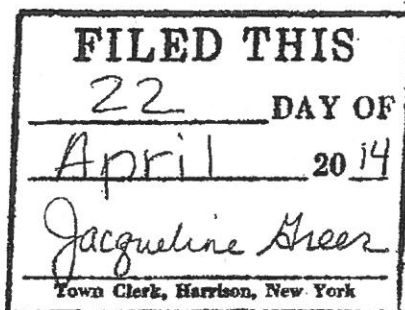
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and
Rosemarie Cusumano.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:

— Assessor
— Benefits
— Bldg
✓ Compt'r
— Engrng
— Law
— Police
— P. Wrks
— Purch'g
— Rec'n
✓ Supvs'r
✓ planning

April 1, 2014

2014 - - 150

ACCEPTANCE, WITH REGRET, OF LETTER OF RETIREMENT FROM POLICE
OFFICER EDWARD ARCE, EFFECTIVE MARCH 18, 2014

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

RESOLVED to accept, with regret, the letter of retirement from Police Officer Edward Arce, effective March 18, 2014.

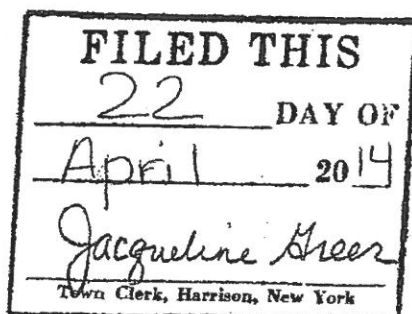
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Chief of Police.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Cannella



Copies to:

☐ Assessor
☒ Benefits
☐ Bldg
☒ Compt'r
☐ Engrng
☐ Law
☒ Police
☐ P. Wrks
☐ Purch'g
☐ Rec'n
☒ Supvs'r

April 1, 2014

2014 - - 151

ACCEPTANCE OF RETIREMENT LETTER FROM SANITATION WORKER EMIL
RUSSO, EFFECTIVE MARCH 28, 2014

Commissioner of Public Works said it is with much regret that we are saying goodbye to Emil. He has been a valued employee in the Sanitation Department for many years. Emil is probably best described as one of those guys you don't miss until he is actually gone because he was the one who came to work, didn't complain, did his job without any nonsense, not a troublemaker and no sick time abuse. It was a joy to have him and I wish him well in his retirement and hope he has all the health and happiness that he deserves.

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the letter of retirement from Sanitation Worker Emil Russo, effective March 28, 2014.

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

Adopted by the following vote:

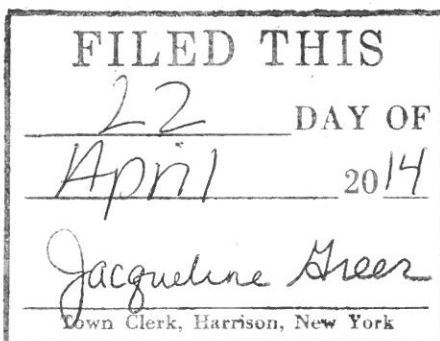
AYES: Councilpersons Amelio, Malfitano, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Cannella

Copies to:

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



April 1, 2014

2014 -- 152

AUTHORIZATION FOR ASSESSMENT REVIEW BOARD MEMBER HELEN
PESCE TO RETURN TO THE BOARD FOR ANOTHER TERM

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

RESOLVED to approve the request of Assessor Mark Heinbockel for authorization to
allow Assessment Review Board member Helen Pesce, whose term has expired, to return
to the board for another term.

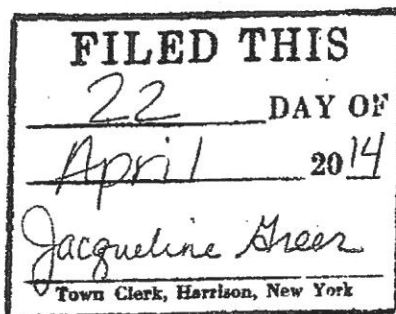
FURTHER RESOLVED to forward a copy of this Resolution to the Assessor.

Adpoted by the following vote:

AYES: Councilpersons Amelio, Malfitano, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Cannella



Copies to:

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

April 1, 2014

2014 -- 153

AUTHORIZATION TO HIRE ONE (1) PART-TIME EMPLOYEE IN THE HIGHWAY
DEPARTMENT EFFECTIVE APRIL 2, 2014 AND THREE (3) PART-TIME
EMPLOYEES IN THE HIGHWAY DEPARTMENT EFFECTIVE APRIL 21, 2014

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Commissioner of Public Works Anthony Robinson for authorization to hire one (1) part-time employee in the Highway Department effective April 2, 2014 at an hourly rate of \$11.00.

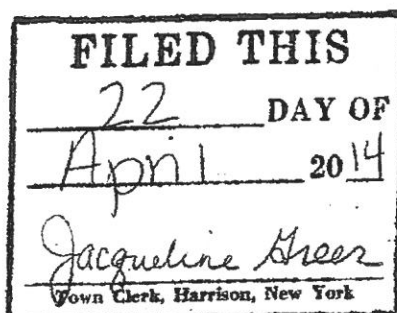
FURTHER RESOLVED to hire three (3) part-time employees in the Highway Department effective April 21, 2014 at an hourly rate of \$11.00.

FURTHER RESOLVED that funding is available in the Highway 2014 Operating Budget.

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

Adopted by the following vote:

AYES:	Councilpersons Amelio, Malfitano, and Sciliano Supervisor Belmont
NAYS:	None
ABSENT:	Councilman Cannella



Copies to:

<input type="checkbox"/>	Assessor
<input checked="" type="checkbox"/>	Benefits
<input type="checkbox"/>	Bldg
<input checked="" type="checkbox"/>	Compt'r
<input type="checkbox"/>	Engng
<input type="checkbox"/>	Law
<input type="checkbox"/>	Police
<input checked="" type="checkbox"/>	P. Wrks
<input type="checkbox"/>	Purch'g
<input type="checkbox"/>	Recr'tn
<input checked="" type="checkbox"/>	Supvs'r

April 1, 2014

2014 -- 154

AUTHORIZATION TO HIRE THREE (3) PART-TIME EMPLOYEES IN
THE PARKS DEPARTMENT EFFECTIVE APRIL 21, 2014

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

RESOLVED to approve the request by Commissioner of Public Works Anthony Robinson for authorization to hire three (3) part-time employees in the Parks Department effective April 21, 2014 at an hourly rate of \$11.00.

FURTHER RESOLVED that funding is available in the Parks 2014 Operating Budget.

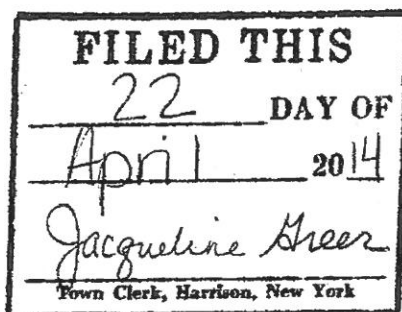
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager, and the Commissioner of Public Works.

Adopted by the following vote:

AYES: Councilpersons Amelio, Malfitano, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Cannella



Copies to:

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

April 1, 2014

2014 - - 155

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

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to approve the request of Director of Community Services Nina Marraccini
for authorization to accept the following donations:

Harrison Presbyterian Church	\$25
Anonymous Donor	\$50
Joe Basso	\$100

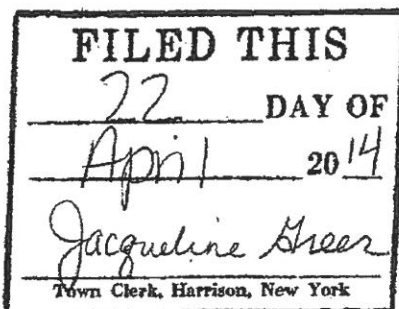
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the
Director of Community Services.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☐ Engrng
☐ Law
☐ Police
☐ P. Wrks
☐ Purch'g
☐ Rec'd
☒ Supva'r
☒ Comm ser.

April 1, 2014

2014 -- 156

AUTHORIZATION FOR WARNER BROS. PRODUCTIONS HBO SERIES "THE
LEFTOVERS" TO FILM AT MA RIIS PARK AND THE HARRISON PUBLIC
LIBRARY ON APRIL 7, 2014 AND TO USE THE SOLLAZZO CENTER AS A
HOLDING PLACE DURING THE SHOOT

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Supervisor Belmont for authorization for Warner Bros. Productions HBO series "The Leftovers" to film exterior scenes at the Harrison Public Library and Ma Riis Park on or around April 7, 2014. Insurance has been provided.

FURTHER RESOLVED to approve the use of the Sollazzo Center as a holding place during the day of the shoot.

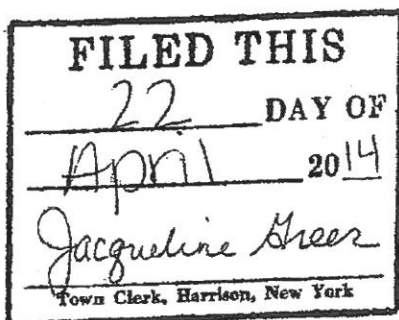
FURTHER RESOLVED to forward a copy of this Resolution to the Library Director, the Superintendent of Recreation and Warner Bros Productions.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:

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

April 1, 2014

2014 - - 157

STANDARD OWNER/ARCHITECT AGREEMENT FOR RENOVATIONS
TO THE HARRISON FIRE DEPARTMENT

Assistant Fire Chief William Nardoizzi addressed the Board. The Harrison Fire Department is proposing to hire an architect to begin design work for a renovation to the Fire District Building. It is my understanding that some questions have come up which may require further discussion before this gets approved and finalized to hire the architect.

Supervisor Belmont said we will table this item until May 1, 2014.

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to table this matter until the May 1, 2014 Town Board Meeting.

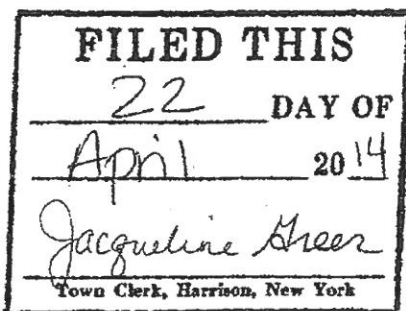
FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Fire District #2.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:

- ☐ Assessor
- ☐ Benefits
- ☐ Bldg
- ☒ Compt'r
- ☐ Engrng
- ☒ Law
- ☐ Police
- ☐ P. Wrks
- ☐ Purch'g
- ☐ Rec'd'n
- ☒ Supvs'r
- ☒ Fire District #2

April 1, 2014

2014 -- 158 -- A
OLD BUSINESS
MA RIIS PARK RENOVATIONS

Harrison resident Rob Porto said he was concerned about the Ma Riis Park renovation. Is that going to take away any of the park or add any parking spaces?

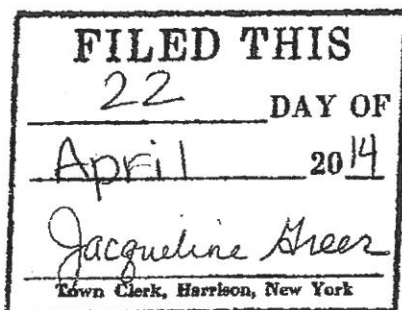
Supervisor Belmont answered no.

Harrison resident Rob Porto asked where does this come from? I'm not sure I like hemming it in with the brick. Was this presented to the public?

Councilman Cannella said yes it was at the last meeting. We had pictures and the pictures were in the local papers also. It will be a little bit like what is at Guagnini Park.

Harrison resident Rob Porto said I would really like to have a nice fence on one side and keep the other side open.

Councilman Sciliano told Mr. Porto to take a look at the pictures because it really is a nice plan.



Copies to:

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

April 1, 2014

2014 - - 158 - - B
OLD BUSINESS
THE LAKE STREET QUARRY

Harrison resident Glenn Dehr said we all know that the quarry cannot process the materials they are bringing in and we all know the health issues relating to them yet they are continuing to bring it in. Why is the Town allowing them to bring it in for the past year now when there is an appellate decision that appears to state the contrary. It stopped at one point when this all first started, maybe 2010, where most of the material was gone. It is now a mountain behind our homes. It has come to our attention that there has been an appeal decision that we didn't know about for close to a year. In that appeal decision it states that the Town is allowed to uphold their laws.

Village Attorney Kraut said he didn't want to comment beyond that we were fully aware that there was an appellate decision. The appellate decision by its own terms and certainly for the Board Members who want to refresh their recollection I will give you another copy of it. It does not end the case, by a long stretch.

Harrison resident Glenn Dehr asked Village Attorney Kraut what part is actually in litigation.

Village Attorney Kraut said he didn't want to get into a discussion at this meeting concerning that.

Harrison resident Glenn Dehr said it appears that we are not getting any protection here.

Harrison resident Sam Fanelli asked Village Attorney Kraut for the definition of litigation please. He said he has been deceived and lied to. He said he read the decision and if you read it, it says that Judge Lorenzo ruled a summarily instead of a declaratory decision. A declaratory decision means he should have ruled on each one individually and I did speak to the attorney who represents the Town of Harrison. You people were given this one year ago.

Village Attorney Kraut said I am going to tell you what the decision says. I will explain what it means so there is no misunderstanding. It says since no party made such a motion, the Supreme Court should not have summarily disposed to the causes of action which sought declaratory relief. A cause of action seeking declaratory relief means that a party is seeking for the court to declare something. What the court did in choosing to summarily, meaning on a motion, dismiss the declaratory action it then continues to say summarily dispose of the cause of action which sought declaratory relief and the matter must be remitted (sent back to) the Supreme Court of Westchester County for further proceeding on those causes of action, this meaning the declaratory causes of action.

April 1, 2014

2014 - - 158 - - B (continued)

Harrison resident Sam Fanelli said that if the plaintiff wanted to go back he could. He hasn't in one year because if you continue to read they doubted that the outcome would change because all the judge would have to do is rule on each one individually. If he did rule on it, we would not lose. It has been one year and we come to these meetings and have been deceived and lied to. We have been asking if there was a decision and have been told no. You all have known for a year. This case is not in litigation anymore. What you have done is stop the building department for the past year from enforcing the open summons that we've had.

Councilman Cannella said that the Board is fully aware and is briefed constantly on the status.

Harrison resident Sam Fanelli asked how come the building department isn't aware of this decision. What about the proposal that the DEC told me about that he wants to reopen.

Councilman Cannella asked Village Attorney Kraut to please advise as to the status of the litigation.

Village Attorney Kraut said with regards to this litigation he did not know whether or not they have asked for remitter or has the case put back on the calendar. It is something that I will speak to Town Attorney Allegretti about. What I can tell you is that Mr. Fanelli said the court didn't think much of the causes of action. I think he was referring to the final sentence in the decision where the appellate division said we express no opinion as to the merits of those causes of action.

Harrison resident Sam Fanelli asked Village Attorney Kraut to read the next line where it says Lake Street's remaining contentions are without merit.

Village Attorney Kraut said that is correct. What the court did is they squarely punted the declaratory issues. What steps we are going to take from here I am not going to discuss publically.

Harrison resident Sam Fanelli said how come you have not told us of the decision. We have been asking if there was a decision and we have been told no. Two weeks ago Mr. Dahr asked Town Attorney Allegretti what's going on and Attorney Allegretti replied that he couldn't speak about it because we are in litigation. You are not in litigation because the Lake Street Quarry did not go back to the Judge to reopen this case. So the last year it has been a dead issue.

Village Attorney Kraut said the only thing I'm going to tell you is this. You are potentially jeopardizing the outcome of the case.

April 1, 2014

2014 -- 158 -- B (continued)

Harrison resident Glenn Dahr said to the Board that the appeal decision does say that the Town does have the right to enforce the laws as far as stop work orders and such. Why has he been allowed to bring material in for almost a year now?

Village Attorney Kraut said do you want me to answer the question. I have personally gone by the site on a number of occasions to just look and see what is going on there. The observations that you just shared I'm not privy to. I will speak to those who were out there inspecting regularly as far as the dumping.

Harrison resident Glenn Dahr said from his understanding the building department didn't know about it.

Village Attorney Kraut said I can only tell you that the times that I went by there it didn't look like the pile was changing. I'm not saying you are speaking untruthfully; you are there all the time. I'll investigate it and look into it.

Harrison resident Glen Dahr said the last time I was at the meeting we expressed our concerns about the dumping and nothing has been done about it.

Councilman Malfitano said to Mr. Dahr that the last time he was at the meeting he was asked by every member of the Board to please, upon your notice of any further violation, to notify the Town of Harrison by calling the building department and make the notification. Did you call the building department over this last month to advise them you had witnessed more material being brought into the site?

Harrison resident Glen Dahr said yes and they have a record of it.

Harrison resident Sam Fanelli said he received a letter from the DOT telling him that if he is not processing materials after 18 months, first in, first out, it has now been 36 months that he has not processed anything. No one is enforcing the June 18th, 2012 letter that he states the town has stopped him from processing. The DEC states you have to have a plan to start removing the soil after 18 months and it has been 36 months, and he is still bringing it in instead of taking it out.

Harrison resident Glen Dahr said I think it is unfair that after we've had this out for almost a year we lost another year of our quality of life and our way of living.

Harrison resident Christine Hughes said she had a simple question. When is this "pile" of material going to be taken out? What is the process that has to occur before that would start?

Village Attorney Kraut opted not to comment on it.

April 1, 2014

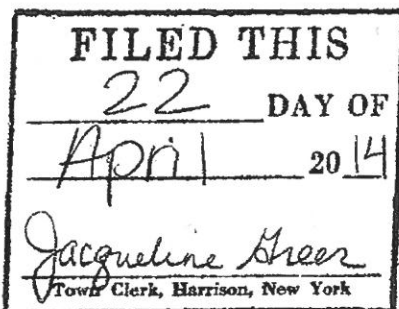
2014 - - 158 - - B (continued)

Harrison resident Jimmi Pritchard said the original decision from 2010 on this said that the police department and the Town of Harrison had the right to police the activity. We are not exercising that right because material is coming in and the story on the street is it is contaminated which takes us back to the Kenilworth Lane issues.

Supervisor Belmont said the word on the street does not mean it is contaminated. Just because you are putting it out there doesn't mean it is contaminated.

Harrison resident Jimmi Pritchard said has the DEC come in to test it. I would like to know what it is for the resident's health in that neighborhood. We have a right to police it and we haven't. I think the Board abdicates its responsibility when they say to the residents you need to let the building department know when this is happening. They have been letting you know when this is happening and we still haven't policed it. We still let it go. We need to do something for the residents.

Councilman Cannella said being fully mindful of the fact that we have really been advised not to have public discussion on this and the reality of it is there is good reason for it. The situation of what was there three years ago, in terms of the activity on the site, and what's there now are clearly far less.



Copies to:

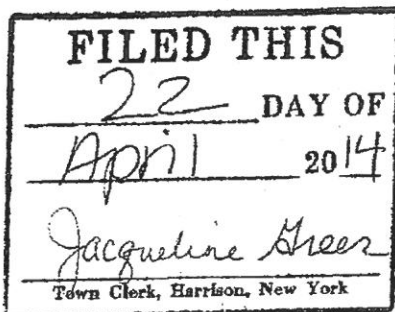
- ☐ Assessor
- ☐ Benefits
- ☐ Bldg
- ☐ Compt'r
- ☐ Engrng
- ☒ Law
- ☐ Police
- ☐ P. Wrks
- ☐ Purch'g
- ☐ Recr'tn
- ☒ Supvs'r

April 1, 2014

2014 -- 159

MATTERS FOR EXECUTIVE SESSION

Collective Bargaining 1
Litigation 1
Contract Negotiation 1



Copies to:

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

April 1, 2014

2014 - - 160

AUTHORIZATION TO HIRE MICHAEL PELLEGRINO TO THE POSTION OF
PART-TIME CARETAKER AT THE WEST HARRISON FIRE DEPARTMENT

On motion of Councilman Sciliano seconded by Councilwoman Amelio,

it was

RESOLVED to hire Michael Pellegrino to the position of Part-Time Care Taker at the West Harrison Fire Department at an hourly rate of \$13.50, effective March 24 2014.

FURTHER RESOLVED that official hours Monday through Friday starting no sooner than 3:30 PM. Weekend and holiday times to be determined.

FUTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager, and the Chief of the West Harrison Fire Department.

Adopted by the following vote:

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

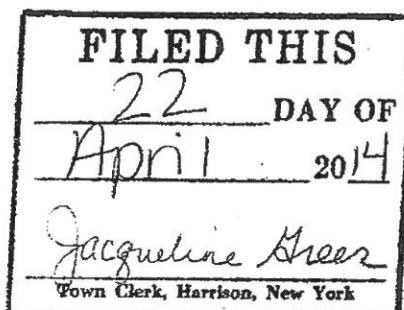
NAYS: None

ABSENT: None

There being no further matters to come before the Board,
the meeting was, on motion duly made and seconded,
declared closed at 11:05 PM.

Respectfully submitted,

Jacqueline Greer
Jacqueline Greer
Town Clerk



Copies to:

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