A regular meeting of the Town Board of Harrison, Westchester County New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Wednesday, March 15, 2023 at 7:00 PM. All members having received due notice of said meeting:

MEMBERS PRESENT: Richard Dionisio Supervisor
Gina Evangelista) Elizabeth Brown
ABSENT: Lauren Leader
ALSO ATTENDING: Nelson CanterDeputy Town Attorney

Andrea Rendo......Deputy Village Attorney

John T. Vasta......Chief of Police Maureen MacKenzie...Comptroller

2023 - - 082 ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilwoman Brown, seconded by Councilwoman Evangelista,

it was,

RESOLVED to accept the following correspondence and reports:

- 1. Monthly report by the Bureau of Fire Prevention for the month of February, 2023.
- 2. Monthly report by the Building Department for the month of February, 2023.
- 3. Monthly report by the Receiver of Taxes for the month of February, 2023.
- 4. Monthly report by the Harrison Police Department for the month of February, 2023.

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

AUTHORIZATION TO ACCEPT DONATIONS FOR THE HARRISON FOOD PANTRY

On motion of Councilwoman Evangelista, seconded by Councilwoman Brown,

it was,

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

- \$28.64 from Thomas DeBourcy (via PayPal 2/25)
- \$96.62 from Lauren Leader (via PayPal 3/1)
- \$135.00 from Shari Heyen on behalf on Harrison School Guidance Department (via check)

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 Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

2023 - - 084 <u>AUTHORIZATION TO ACCEPT DONATIONS FOR THE</u> BRENTWOOD FUNDRAISER PROJECT

On motion of Councilman Sciliano, seconded by Councilwoman Evangelista,

it was,

RESOLVED to accept the request by, Superintendent of Recreation, Gerry Salvo, to accept the following donations for the Brentwood Fundraiser Project:

Haynes Architecture P.C.	\$400.00
Casey Family	\$400.00
Robert Baker M.D.	\$400.00
Montaquiza family	\$400.00
Market at Gus's	\$400.00
Valenti Family	\$400.00
Lipton Family	\$500.00
Alessia's Trattoria	\$400.00
Vitti Family	\$400.00

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

AUTHORIZATION TO AUCTION VEHICLES AND EQUIPMENT ONLINE USING AUCTIONS INTERNATIONAL

On motion of Councilwoman Brown, seconded by Councilwoman Evangelista,

it was,

RESOLVED to accept the request by, Coordinator of Computer Services, Michael Piccini, to auction the following vehicles and equipment online using the online auction company, Auctions International, at no cost to the town:

Vehicle

Vin#

2007 Mack CTP713B

1M2AT13C27H003147

Equipment

Serial #

Ricoh MP6001 Copier

V6914900585

Ricoh Aficio 2022 Copier

J8355501914

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Coordinator of Computer Services.

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

FILED THIS

16 DAY OF

March 2023

Jacqueline Green

Town Clerk, Harrison, New York

AUTHORIZATION TO APPROVE END OF YEAR BUDGET MODIFICATIONS FOR 2022

On motion of Councilwoman Brown, seconded by Councilwoman Evangelista,

it was,

RESOLVED to accept the request by, Comptroller, Maureen MacKenzie, to approve end of year budget modifications for 2022:

INCREASE:

001-0000-015-1526

1,054,062

Town-Police Special Detail

INCREASE:

001-3120-100-0158

1,054,062

Police-OverTime Special Detail

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

AUTHORIZATION TO TRANSFER AVAILABLE FUNDS WITHIN THE PLANNING BOARD BUDGET LINES, FURNITURE AND FURNISHINGS AND OFFICE EQUIPMENT, AND TRANSFER THE FUNDS TO PLANNING BOARD SPECIAL SERVICES BUDGET LINE

On motion of Councilwoman Brown, seconded by Councilman Sciliano,

it was,

RESOLVED to accept the request by, Comptroller, Maureen MacKenzie, to transfer available funds within the Planning Board budget lines, Furniture and Furnishings and Office Equipment, and transfer the funds to Planning Board Special Services budget line, to cover the cost of having old microfiche records digitally scanned.

INCREASE:

001-8020-100-0407

Planning Board Special Services

\$700

DECREASE:

001-8020-100-0210

Planning Board Furniture & Furnishings

\$500

001-8020-100-0220

Planning Board Office Equipment

\$200

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

FILED THIS

16 DAY OF

March 2023

Jacqueline Knee

Town Clerk, Harrison, New York

NOTIFICATION OF A BUILDING PERMIT APPLICATION FOR 106-108 ELLSWORTH AVENUE LOCATED WITHIN FEMA DESIGNATED FLOOD PLAINS

On motion of Councilwoman Evangelista, seconded by Councilman Sciliano,

it was,

RESOLVED to approve a building permit application for 106-108 Ellsworth, Block 382, Lot 7, located within FEMA designated Flood Plains as follows:

The above referenced sites are located within FEMA designated Flood Plains. Harrison Town Code Section 235-32-B states:

"All plans for buildings built in flood areas as defined above shall be transmitted to the Town Engineer for a recommendation as to the minimum floor level of the building and the final grading of the property. Such recommendation must be confirmed by a resolution of the Town Board prior to the issuance of a building permit conforming to the recommendations".

Pursuant to Town Code, our remarks and recommendations for the development of this property are as follows:

The existing FEMA Flood Plain Elevation at this property is 64.2 feet (NGVD 1988), as shown on the FEMA Flood Insurance Study dated September 28, 2007

The proposed First Floor Elevation shall be 72.00 feet as shown on site plans dated February 23, 2023, prepared by SMM Architect PLLC.

The proposed Garage Floor Elevation shall be 63.00 feet as shown on site plans dated February 23, 2023, prepared by SMM Architect PLLC.

As reflected in the above mentioned plan, there shall be no substantial grade change permitted on this property.

An as-built survey from a New York State Licensed Surveyor will be required. The as-built shall include the flood plain elevation, and all floor elevations. As-built must also show compliance with Town building height regulations, as well as surface information verifying no grade change. This survey must be submitted to and approved by this department prior to issuance of a Certificate of Occupancy.

In order to verify the structure and all utilities have been built safely above the Base Flood Elevation, an Elevation Certificate must be submitted and approved by the Engineering Department prior to issuance of a Certificate of Occupancy.

Flood resistant materials must be used within all areas permitted below the Base Flood Elevation. All building materials below this level must be certified by the design professional upon completion of construction.

All building utilities (electrical, mechanical, sewer vents, etc.) must be at least 2 feet above the Base Flood Elevation and must be certified by the design professional upon completion of construction.

The design professional shall submit written certification to the Engineering Department of the installation of the flood vents as well as the flood vent certificates prior to the issuance of a Certificate of Occupancy.

Enclosed areas within a Floodplain are designed to be flooded, and can be used only for parking vehicles, storage, or access to the elevated living area. A Non Conversion agreement must be submitted and signed by the property owner prior to issuance of a Certificate of Occupancy.

FURTHER RESOLVED that the Town Board approve the recommendations of the Town Engineer for development of 106-108 Ellsworth, Block 382, Lot 7.

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

FILED THIS

16 DAY OF

MOCCY 2023

Jacqueline Green

Town Clerk, Harrison, New York

NOTIFICATION OF A BUILDING PERMIT APPLICATION FOR 73 BATAVIA PLACE LOCATED WITHIN FEMA DESIGNATED FLOOD PLAINS

On motion of Councilwoman Evangelista, seconded by Councilman Sciliano,

it was,

RESOLVED to approve a building permit application for 73 Batavia Place, Block 385, Lot 27, located within FEMA designated Flood Plains as follows:

The above referenced sites are located within FEMA designated Flood Plains. Harrison Town Code Section 235-32-B states:

"All plans for buildings built in flood areas as defined above shall be transmitted to the Town Engineer for a recommendation as to the minimum floor level of the building and the final grading of the property. Such recommendation must be confirmed by a resolution of the Town Board prior to the issuance of a building permit conforming to the recommendations".

Pursuant to Town Code, our remarks and recommendations for the development of this property are as follows:

The existing FEMA Flood Plain Elevation at this property is 64.0 feet (NGVD 1988), as shown on the FEMA Flood Insurance Study dated September 28, 2007

The proposed First Floor Elevation shall be 73.25 feet as shown on site plans dated February 14, 2023, prepared by SMM Architect PLLC.

The proposed Garage Floor Elevation shall be 63.35 feet as shown on site plans dated February 14, 2023, prepared by SMM Architect PLLC.

As reflected in the above mentioned plan, there shall be no substantial grade change permitted on this property.

An as-built survey from a New York State Licensed Surveyor will be required. The as-built shall include the flood plain elevation, and all floor elevations. As-built must also show compliance with Town building height regulations, as well as surface information verifying no grade change. This survey must be submitted to and approved by this department prior to issuance of a Certificate of Occupancy.

In order to verify the structure and all utilities have been built safely above the Base Flood Elevation, an Elevation Certificate must be submitted and approved by the Engineering Department prior to issuance of a Certificate of Occupancy.

Flood resistant materials must be used within all areas permitted below the Base Flood Elevation. All building materials below this level must be certified by the design professional upon completion of construction.

All building utilities (electrical, mechanical, sewer vents, etc.) must be at least 2 feet above the Base Flood Elevation and must be certified by the design professional upon completion of construction.

The design professional shall submit written certification to the Engineering Department of the installation of the flood vents as well as the flood vent certificates prior to the issuance of a Certificate of Occupancy.

Enclosed areas within a Floodplain are designed to be flooded, and can be used only for parking vehicles, storage, or access to the elevated living area. A Non Conversion agreement must be submitted and signed by the property owner prior to issuance of a Certificate of Occupancy.

FURTHER RESOLVED that the Town Board approve the recommendations of the Town Engineer for development of 73 Batavia Place, Block 385, Lot 27.

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

AUTHORIZATION FOR THE SUPERVISOR TO EXECUTE TWO LEASE DOCUMENTS FROM THE HUNTINGTON NATIONAL BANK

On motion of Councilman Sciliano, seconded by Councilwoman Brown,

it was,

RESOLVED to accept the request by, Comptroller, Maureen MacKenzie, for the Supervisor to execute two lease documents from The Huntington National Bank for equipment for the Harrison Meadows Country Club. The original lease that were executed by Harrison consisted of Fair Market value lease equipment that will go back to Toro at the end of the lease, and a Dollar Buy Out lease package of equipment that will be owned by Harrison at the end of the lease. In February of 2021, it was brought to the attention of Troon employees (who ordered the equipment) that one of the pieces of equipment would not be available until sometimes in 2023. They therefore received permission from Harrison to do a "change order" and replace that piece of equipment. In order to properly account for the change in equipment, Huntington has amended the original lease document (lease number ending in 303) for the one new piece of equipment. There is a nominal increase of \$500 over the life of the lease for this change out equipment. All equipment has been received and is in use by Harrison Meadows. Both lease documents have been reviewed by the Law Department and have been found to be in order.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Law Department and Harrison Meadows Country Club.

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

AUTHORIZATION TO PARTICIPATE IN THE RENEWAL INTER-MUNICIPALITY AGREEMENT ("IMA") WITH THE COUNTY OF WESTCHESTER AND THE TOWN/VILLAGE OF HARRISON POLICE DEPARTMENT FOR THE PROVISION OF ENHANCED 911 SERVICES

On motion of Councilman Sciliano, seconded by Councilwoman Evangelista,

it was,

RESOLVED to accept the request by, Chief of Police, John T. Vasta, to participate in the renewed Inter-Municipality Agreement ("IMA") with the County of Westchester and the Town/Village of Harrison Police Department for the provision of Enhanced 911 Service. The pervious IMA has expired, and Westchester County was authorized by the Board of Legislators (Act No. 15 – 2023) to enter into this agreement with Westchester County municipalities for a five (5) year term commencing on October 1, 2022 and continuing thought September 30, 2027. The primary purpose of this IMA is to define the role of Westchester County and local municipalities regarding the provision of E911 service and the operation of Public Safety Answering Points (PSAPs) located throughout the county. It also provides a necessary legal framework for the County to continue to provide critical hardware and software maintenance for the E911 system/PSAP infrastructure. This contract has been reviewed and approved by the Law Department and has been found to be in order.

FURTHER RESOLVED for the Supervisor to execute the same.

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

2023 - - 092 AUTHORIZATION TO SET A PUBLIC HEARING FOR APRIL 20, 2023

On motion of Councilwoman Evangelista, seconded by Councilman Sciliano,

it was.

RESOLVED to accept the request by, Receiver of Taxes, Michael Giordano and Assessor, Joe Calandrella, to set the date for a Public Hearing on, April 20, 2023, to adopt a Local Law that brings Section 466-A of the Real Property Tax Law into effect. The Real Property Tax Law Section 466-A is not in effect for the Town/Village and School property taxes.

FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, the Receiver of Taxes and the Assessor.

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

AUTHORIZATION FOR THE SUPERVISOR TO EXECUTE THE EQUIPMENT RENTAL AGREEMENT WITH CLUB CAR, LLC.

On motion of Councilwoman Brown, seconded by Councilwoman Evangelista,

it was,

RESOLVED to accept the request by, Deputy Village Attorney, Andrea C. Rendo, for the Supervisor to execute the Equipment Rental Agreement with Club Car, LLC, in order to acquire golf cart GPS units for Harrison Meadows County Club. The Law department reviewed the agreement and deemed to be in order. Rental payments will be made by Troon through their operating budget.

FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and Harrison Meadows Country Club.

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

FILED THIS

| G DAY OF

| March 2023
| Jacqueline Green
| Town Clerk, Harrison, New York

<u>AUTHORIZATION TO USE ROADWAYS THROUGHOUT HARRISON FOR THE</u> WESTCHESTER TRIATHLON EVENT ON SEPTEMBER 24, 2023

On motion of Councilwoman Brown, seconded by Councilwoman Evangelista,

it was,

RESOLVED to accept the request by, Race Director, Eric Opdyke, to use roadways through Harrison for the Westchester Triathlon event that will take place on September 24, 2023.

FURTHER RESOLVED to have police officers at various positions on the bike and run portions of the triathlon.

FURTHER RESOLVED to forward a copy of this Resolution to Eric Opdyke, the Building Department and the Chief of Police

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

AUTHORIZATION TO APPROPRIATE HIGHWAY FUND BALANCE AND TRANSFER TO HIGHWAY BUDGET LINE

On motion of Councilwoman Brown, seconded by Councilman Sciliano,

it was,

RESOLVED to accept the request by, Comptroller, Maureen MacKenzie, to appropriate Highway Fund Balance and transfer to Highway budget line 003-5110-100-0407 to cover the cost of emergency repairs as follows: Repairs to catch basin at Pebble Beach Drive by Montesano Brothers Inc. \$6,793.32; Drainage emergency at 100 Corporate Park Drive, contractor was Montessano Brothers Inc., \$39,830.49. Corporate Park Drive Emergency Pipe/Drainage/Catch Basin Repairs, Contractor Westchester Hills Landscaping 2, \$32,895.24. Total \$79,519.05.

INCREASE:

003-0000-059-5999

Highway Appropriated Fund Balance

\$79,520

INCREASE:

003-5110-100-0407

Highway Special Services

\$79,520

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

AUTHORIZATION FOR LIBRARY DIRECTOR TO ATTEND AMERICAN LIBRARY ASSOCIATION CONFERENCE

On motion of Councilwoman Brown, seconded by Councilwoman Evangelista,

it was,

RESOLVED to accept the request by, Library Director, for Galina Chernykh to attend American Library Association Conference in Chicago, IL from June 22 to June 27, 2023. The total cost of registration, lodging, and travel will not exceed \$2,250. The funds are budgeted and available in the Library's operating budget. All receipts will be supplied to the Comptroller's office upon return.

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

2023 - - 097 AUTHORIZATION TO HOLD <u>PUBLIC HEARING ON MARCH 30, 2023</u>

On motion of Councilwoman Evangelista, seconded by Councilman Sciliano,

it was,

RESOLVED to accept the request by, Village Attorney, Jonathan D. Kraut, to schedule a Public Hearing on March 30, 2023 for Proposed Local Law, Amending Section F(3) of Chapter 206, entitled "Solar Energy".

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

2023 - - 098 MATTERS FOR EXECUTIVE SESSION

Personnel: 2 Litigation: 3

Advice of Counsel:1

On motion duly made and seconded, with all members voting in favor, the Meeting was closed at 7:11 PM

FILED THIS

16 DAY OF

March 2023

Jacqueline Sheer

Town Glerk, Harrison, New York

2023 - - 099 AUTHORIZATION TO SETTLE THE CLAIM

On motion of Councilman Sciliano, seconded by Councilwoman Evangelista,

it was,

RESOLVED to settle the claim in the matter of Allstate A/S/O Christopher D. Adams in the amount of \$4,500 subject to receipt of a fully executed General Release.

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

FILED THIS

16 DAY OF

March 2023

Jacqueline Grown Clerk, Harrison, New York

2023 - - 100 AUTHORIZATION TO RAISE <u>CAP ON LEGAL FEES</u>

On motion of Councilman Sciliano, seconded by Councilwoman Evangelista,

it was,

RESOLVED to raise cap on legal fees to Law Office of Vincent Toomey to \$20,000.

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

AUTHORIZATION FOR THE SUPERVISOR TO SIGN THE MEMORANDUM OF AGREEMENT

On motion of Councilwoman Evangelista, seconded by Councilman Sciliano,

it was,

RESOLVED for the supervisor to sign the Memorandum of Agreement between Town/Village of Harrison and the Civil Service Employees Association Local 860, Crossing Guard Unit.

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

2023 - - 102 SUSPENSION OF POLICE OFFICER FRANK CORVINO

On motion of Councilman Sciliano, seconded by Councilwoman Evangelista,

it was,

RESOLVED, in the matter of Disciplinary Charges preferred against Police Officer Frank Corvino, by unanimous decision, the Town Board voted in support of all recommendations and findings of Hearing Officer, Hon. Peter B. Skelos and accordingly suspend Officer Corvino for a period of twenty (20) days, without pay, effective March 17, 2023.

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

ABSENT:

Councilwoman Leader

FILED THIS

DAY OF

MACCIO 2023

Councilerk, Harrison, New York

AUTHORIZATION TO APPROVE THE OFFER OF EMPLOYMENT TO FRANCESK NILAJ AS A PROBATIONARY POLICE OFFICER

On motion of Councilwoman Brown, seconded by Councilwoman Evangelista,

it was.

RESOLVED for the authorization to approve the offer of probationary employment to Francesk Nilaj, as a Police Officer by the Westchester County Civil Services Rules, at an annual salary of \$49,384.00.

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

Adopted by the following vote:

AYES:

Councilpersons Brown, Evangelista and Sciliano

Supervisor Dionisio

NAYS:

None

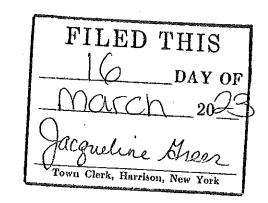
ABSENT:

Councilwoman Leader

There being no further matters to come before the Board, the Meeting was, on motion duly made and seconded, declared closed 8:35 PM.

Respectfully submitted,

Jacqueline Greer
Town Clerk



There being no further matters to come before the Board, the Meeting was, on motion duly made and seconded, declared closed 7:15 PM.

Respectfully submitted,

Jacqueline Greer
Town Clerk

FILED THIS

DAY OF

COCOL 2023

Acqueline Green

Town Clerk, Harrison, New York