

January 26, 2017

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 Thursday January 26, 2017 at 7:00 PM Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont Supervisor

Marlane Amelio...)

Richard Dionisio.....)

Stephen Malfitano) Councilpersons

Fred Sciliano)

ALSO ATTENDING:

Frank Allegretti Town Attorney

Jonathan Kraut.....Village Attorney

Maureen MacKenzie Comptroller

Mike Olsey.....Chief of Police

January 26, 2017

2017 - - 029

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

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

RESOLVED to accept the following correspondence and reports:

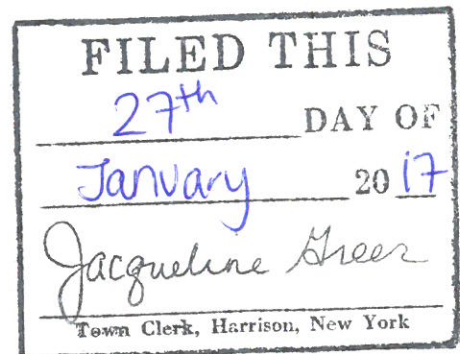
1. Monthly report by the Building Inspector for December 2016.
2. Monthly report by the Superintendent of Recreation for December 2016.
3. Monthly report by the Acting Fire Marshal for December 2016.
4. Monthly report by the Receiver of Taxes for December 2016.
5. Monthly report by the Town Clerk for December 2016.
6. Monthly report by the Chief of Police for December 2016.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



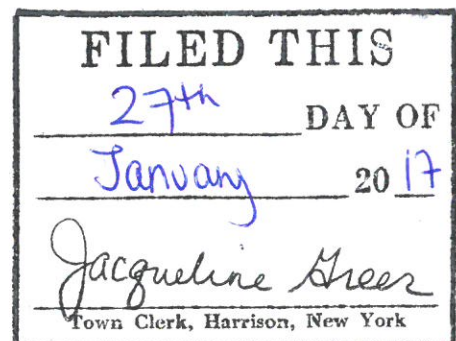
January 26, 2017

2017 -- 030 -- A

PUBLIC HEARING RE: FINAL SPECIAL EXCEPTION USE PERMIT FOR TRINITY
PRESBYTERIAN CHURCH, 526-530 ANDERSON HILL ROAD

James Staudt representing the law firm of McCullough, Goldberger & Staudt spoke on behalf of the Trinity Presbyterian Church. Mr. Staudt explained that after a detailed and comprehensive three-year land use process the Planning Board, on November 29, 2016, issued the Church a special permit authorizing its use at the site on 526-530 Anderson Hill Road. He requested the Board approve the Special Use Permit approval that was granted by the Planning Board.

Andrew Tung, Architect, made a brief presentation on the site plan.





ILLUSTRATIVE PLAN
TRINITY PRESBYTERIAN CHURCH
MICHIGAN, NEW YORK

January 26, 2017

2017 - - 030 - - A (continued)

Supervisor Belmont asked Mr. Tung if they need 119 parking spots.

Andrew Tung, Architect, answered that is number required by zoning based on your calculation in the zoning code.

Supervisor Belmont said item number 25B in the proposal marked irrigation stated that irrigation would take place from 6:00 AM to 9:00 AM. The Supervisor requested that be changed to 8:00 PM to 11:00 PM. The Supervisor also explained that item number 29 was no longer correct as the Town doesn't pick up commercial sanitation.

Councilwoman Amelio asked Mr. Tung, Architect, what is the proposed height of the steeple?

Mr. Tung replied the steeple will be 72 feet from the ground with a 10-foot cross.

Councilman Sciliano asked Mr. Tung what is the height of the existing house?

Mr. Tung replied that the existing house is calculated at 31 feet.

Councilwoman Amelio Mr. Tung asked what is the membership of the church?

James Staudt replied less than 200.

Councilwoman Amelio asked what days are the religious education classes held?

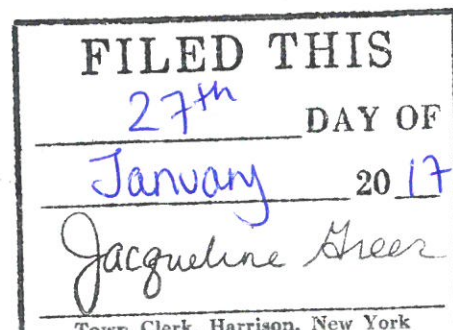
James Staudt replied they were predominately on Sundays after the church service.

Councilman Malfitano motioned to grant the Special Exception Use Permit subject to the modifications that were introduced into the record by the Mayor and agreed to by the Church.

Councilman Sciliano seconded the motion.

James Staudt asked would the motion include the adoption of the environmental findings.

Village Attorney Kraut said it would be incorporated and referenced in the Town Board Resolution.



January 26, 2017

2017 -- 030 -- B
FINAL SPECIAL EXCEPTION USE PERMIT FOR
TRINITY PRESBYTERIAN CHURCH, 526-530 ANDERSON HILL ROAD

On motion of Councilman Malfitano, seconded by Councilman Sciliano,

it was

RESOLVED to approve a Final Special Exception Use Permit for Trinity Presbyterian Church at 526-630 Anderson Hill Road for the reasons stated by the Planning Board in its Special Exception Use resolution dated November 29, 2016 subject to the following conditions/modifications:

- Irrigation hours will be 8:00 PM to 11:00 PM
- The Town/Village of Harrison does not pick up commercial sanitation

FURTHER RESOLVED that this motion includes the adoption of the Planning Board's SEQRA Findings statement dated December 15, 2015.

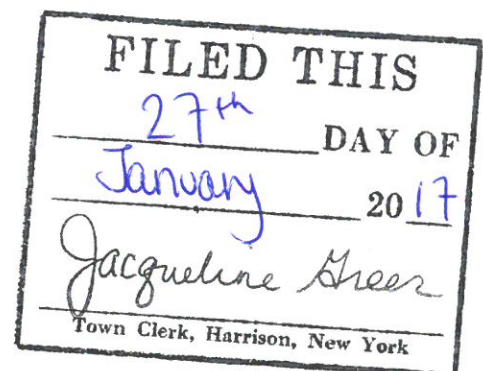
FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 031

PUBLIC HEARING RE: PROPOSED LOCAL LAW NO. OF 2017
TO AMEND CHAPTER 198 ENTITLED "SECONDHAND DEALERS" OF
CODE OF TOWN OF HARRISON

Town Attorney Frank Allegretti addressed the Board explained this is a comprehensive rewrite of Chapter 198 of the Town of Harrison Code. After reviewing the law, it was found to be deficient in many respects. It did not address who the issuing agency was the permit, it didn't address the application process, it didn't address who reviews the application and investigate and report to the issuing agency, it didn't set forth any approval or appeal mechanism, it didn't establish a fee and didn't have language about the posting of the permit. In discussing the issue with the Town Clerk no one has ever made applications to her for these types of licenses prior to November of 2016. Therefore the law was reviewed with a comprehensive approach on how to handle this type of application.

Harrison resident Matt Benson addressed the Board. He stated for the record that he was here because he shares a common interest in this community by making sure it is a safe and secure place for our families and a proper place to do business. He further stated that he felt that the Town Board should not be looking at the amendment to this ordinance now because he questioned how thoroughly and comprehensively it had been considered. You said this ordinance could be 80 years old. He guaranteed we didn't have E-Bay or the internet and a very robust trade in second hand goods. These particular amendments don't comprehensively update what a true second hand dealer ordinance should be. I would encourage the Town Law Department to go back and do more work on this law. He thought the discussion about this ordinance was for no reason except for the fact that a business that sells and services firearms and advertises that it sells secondhand or used firearms opened for business in this town.

Councilman Malfitano replied to Mr. Benson by commenting that he was making statements that aren't quite accurate. I would suggest that you keep your comments to the law itself. This law deals with commercial purchases and sales of secondhand articles.

Harrison resident Matt Benson asked why the ordinance being brought before the town board now?

Village Attorney Kraut replied by explaining that the short answer to that question is when something comes to our attention that there is a deficiency, we go back and look at it. This law actually references Nassau County for checking for stolen goods. Someone must have taken it from a town out on Long Island. Here is my advice to the Board. It is a hearing, it is on this law, the geneses of this being on your agenda is irrelevant. The Law

January 26, 2017

2017 - - 031 (continued)

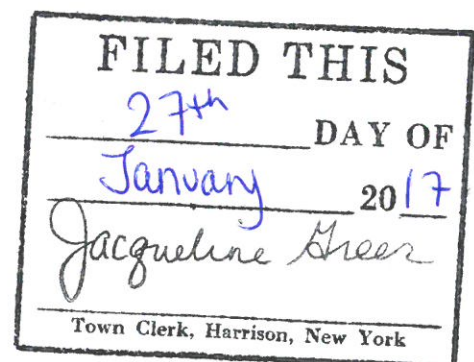
Department has a right to put a law on the desk and publish it for comment. I would ask you to ask the speakers to restrict their comments to the law as drafted; they can make recommendations for additions, deletions, or areas of concerns.

Harrison resident Matt Benson replied he felt he was being discouraged from sharing his views and thoughts.

Councilman Malfitano replied that the Board was not discouraging him from sharing his thoughts. The Board was asking him to share his thoughts specific to this law.

Harrison resident Matt Benson didn't believe that this is a truly compressive review of a modern secondhand ordinance. He felt what is being put forth appears to be a path forward for someone currently in violation of the law to become in compliance of the law at the same time we have a number of other activities going on that could have tremendous bearing on the whole situation.

Harrison resident Frank Gordon addressed the Board and explained he has tried to encourage Town Officials to conduct a more exacting investigation to access whether granting a license for a proposed secondhand dealer business would benefit the community. Mr. Gordon submitted the following document with his comments to amend Chapter 198 entitled Secondhand Dealers.



January 26, 2017

Supervisor Ron Belmont
Members of the Town Board
Town of Harrison
Alfred F. Sulla, Jr. Municipal Building
1 Heineman Place
Harrison, New York 10528

cc:

Frank P. Allegretti, Town Attorney
Town of Harrison
Alfred F. Sulla, Jr. Municipal Building
1 Heineman Place
Harrison, New York 10528

RE: Proposed Local Law No. ___ of 2017 To Amend Chapter 198 entitled "Secondhand Dealers" of Code of Town of Harrison

Dear Supervisor Belmont and Members of the Town Board:

Thank you for this opportunity to comment on the proposed Local Law referred to above. My comments are primarily of a drafting and legal nature as shown in the attached markup. This cover letter provides some clarifications and reasoning underlying such comments. It also provides an analysis of how some of the proposed provisions have worked in practice.

COMMENTS

Page 1 – please insert the defined term "PERSON" where indicated, with the accompanying definition taken from Section 115-1 of the Town Code.

Page 2 – in Section 198-4, please replace the word "therefore" with "therefor" and replace the immediately following text ", from the Town Clerk" with the text "as hereinafter provided". See Section 82-3 of the Town Code for the identical formulation.

– in Section 198-5, heading, change text "Section" to "§".

Page 3 – in Section 198-5, paragraph B, after the text "or not he or she has ever been convicted of" on the third line, insert the text ", or is now under charge of, violating any of the provisions of this chapter or of"

Reasoning: Many municipalities ask applicants to list any pending charged crimes, as well as convictions, in the application. Many also request violations of any municipal ordinance or local law, which I have trimmed to "violating any of the provisions of this chapter". See e.g., Section 192-8(H)(5) of the Code of Ordinances of the Town of Oyster Bay, Section 173-4(A)(5) of the Code of the Incorporated Village of Freeport and Section 113-5(E) of the Code of the Town of Hempstead (copies to be provided to Mr. Allegretti). Requesting that the applicant list violations of Chapter 198 in his or her application is consistent with my later comment to include such violations as a cause for revocation of the license.

- Section 198-5, paragraph D, after the text "business, when and where and how long" on the third line, insert the text ", and whether said secondhand dealer business complied with all regulations, ordinances and laws applicable thereto".

Reasoning: For applicants that previously engaged in a secondhand dealer business, their compliance or noncompliance with all applicable laws in that business would be relevant to the Chief of Police's determination of their character and fitness for the proposed secondhand dealer business.

- Periods are missing after Sections 198-6 and 198-7 in headings for those sections.
- Section 198-6, please replace the word "them" in the second line with "such Chief of Police".
- Section 198-6, after the text "regulations, ordinances and laws applicable thereto" in the fifth line, please insert the text "and would not have a detrimental effect upon public safety, health, morals or general welfare" before the period at the end of that sentence.

Reasoning: I note that most of the licensing provisions in the proposed amendments are taken from Chapter 115 (Cabarets) of the Town Code. But Section 115-5(B) under that chapter contains a protective standard applicable to cabaret licenses that is omitted from the secondhand dealers chapter. That Section provides that a license may be refused "for the protection of public safety, health, morals or general welfare." It does not make sense for secondhand dealers to be held to a different and, in my view, lower standard than cabarets. My suggested insertion makes the standards in both chapters consistent.

- Section 198-6, before the text "The report of such Chief of Police" in the fifth line, please insert the following Rider A:

"In making said investigation of an applicant that had previously engaged in conducting a secondhand dealer business, the Chief of Police, or designee, may inspect records of such previous business and, if requested, applicant shall make such records open to inspection by such Chief of Police, or designee, to the extent practicable."

Reasoning: If, in the judgment of the Chief of Police, it would aid in his investigation to inspect the records of a previous secondhand dealer business of the applicant, he/she should be able to do so with the applicant's cooperation. If the person was just an employee and not the owner of the previous

business, he/she may not have access to such records so I have added the qualifier "to the extent practicable."

- Section 198-7, at the end of paragraph A, before the period, insert the text "; and that the conduct and maintenance of the proposed secondhand dealer business in the location applied for would not have a detrimental effect upon public safety, health, morals or general welfare"

Reasoning: Same as the reasoning described above that refers to Section 115-5(B) of the Town Code.

Page 4 – After Section 198-10 and before Section 198-11, insert the following Rider B, and renumber all subsequent Sections accordingly (e.g., Section 198-11 would become Section 198-13):

"§ 198-11. Transfer of licenses prohibited.

No license issued under the provisions of this chapter shall be transferable, and any holder of such a license who permits said license to be used by any other person, and any other person who uses such a license, shall be deemed to be guilty of a violation of the provisions of this chapter.

§ 198-12. Revocation of license.

If, at any time after granting of such license, the licensee shall be convicted of any violation of this chapter, then and in that event the license shall be forthwith revoked, and the licensee shall immediately surrender the license to the Town Clerk for cancellation. Any licensee whose license is revoked as herein provided shall not be entitled to any refund of any part of the license fee."

Reasoning: The non-transfer and revocation provisions of licenses issued under the Town Code vary as follows:

	Non-transfer Provision?	Revocation Provision?
Chapter 82 (Police Alarm Systems)	Yes	Yes
Chapter 88 (Amusements)	Yes	No
Chapter 95 (Auctions and Auctioneers)	Yes	Yes
Chapter 115 (Cabarets)	No	Yes
Chapter 165 (Junkyards)	Yes	Yes
Chapter 210 (Taxicabs)	Yes	Yes
Chapter 198 (Secondhand Dealers) current	No	No

As shown, the Secondhand Dealers chapter is the only licensing provision in the Code that omits both a non-transfer provision and a revocation provision. For the avoidance of doubt, both should be included in this amendment. For the proposed non-transfer provision, I suggest that of Section 88-5, and for the proposed revocation provision, I suggest that of Section 115-9(A), as the best precedents on the grounds that they are the most straightforward. Rider B above reflects these precedents.

- Section 198-11, insert a period after the word "Restrictions" in the heading.

PROVISIONS TRANSLATED INTO PRACTICE

The proposed amendments under consideration are modeled after the license provisions of Chapter 115 (Cabarets) of the Town Code. In most cases, the text in the amendments to Chapter 198 is identical to the text under the corresponding heading in Chapter 115.

Under these circumstances, one would be remiss if one did not explore how the pertinent provisions of Chapter 115 have been applied in practice. Accordingly, I recently submitted a FOIL request for the "five most recent written reports submitted to the Town Clerk with a recommendation to grant or refuse a cabaret license under Section 115-4 (Investigation and report) of the Town Code." That Section states as follows:

§ 115-4. Investigation and report.

The Town Clerk shall refer such application to the Chief of Police, Building Inspector and any other official or any other person designated by them, who shall inspect the premises or make such investigation as is necessary and expedient to determine the character and fitness of the applicant for such license and whether the proposed place to be used for said cabaret complies with all regulations, ordinances and laws applicable thereto. The report of such committee shall be in writing and shall be submitted to the Town Clerk with a recommendation to grant or refuse said license.

This provision is nearly identical in wording to Section 198-6 of the proposed amendments that are the subject of this letter.

Copies of the documents provided in response to my FOIL request are attached. Only two cabaret license applications were provided, signifying that there have been no other such applications for many years. One set of documents comprised the initial application for a new location and the other comprised a renewal application for that location by the same applicant.

The first set of documents consists of four pages: a completed 2-page cabaret license application dated January 20, 2014, a one-page printout of a Criminal Repository Inquiry relating to the applicant and a one-page floor plan of the area to be used for dancing at the location applied for. The application was signed by the Chief of Police, Building Inspector and Fire Marshall, indicating their approval.

I plan to offer a few observations about these documents without in any way intending to disparage the work of anyone involved in reviewing and approving these applications. In doing so, my aim is to observe how the legal provisions under consideration translate into practice. That way, I can dispel any illusions I may have about how the proposed amendments are likely to be applied.

Observations on the first set of documents: although the Criminal Repository Inquiry performed by the Harrison Police Department with respect to the applicant is documentary evidence relating to the character and fitness of the applicant, there is no written analysis and conclusion that, after due investigation, the Chief of Police, Building Inspector and Fire Marshall have determined that the applicant's character and fitness qualifies for a license or that the location applied for complies with all applicable regulations, ordinances and laws, as envisioned by Section 115-4. The mere signatures of

these individuals indicate their approval but one is left in the dark about the reasoning behind that conclusion.

The second set of documents consists of a completed 2-page cabaret license application dated March 17, 2015. It is a renewal application by the same applicant and for the same location as the initial application discussed above. The renewal application was signed by the Chief of Police, Building Inspector and Fire Marshall, indicating their approval.

Observations on the second set of documents: since this is a renewal application, the extent of any investigation would understandably be reduced compared to an initial application but there is no documentary evidence of any investigation and no written analysis and conclusion as to the character and fitness of the applicant and that the location complies with all applicable laws, as envisioned by Section 115-4. Again, although the signatures of town officials indicate their approval, one is left to speculate about the reasoning underlying that conclusion.

Doubtless the Town officials referred to above face intense pressure in the course of their daily duties to handle countless tasks of high priority to the Town and its residents. Approvals of local business licenses may not be high on their list of priorities.

However, in my opinion and with all due respect, the investigations and reports required by Section 115-4 in the case of the two instances reviewed above were performed in a perfunctory and superficial manner. If I had to put into words the actual process that occurred, it would not resemble the text of Section 115-4.

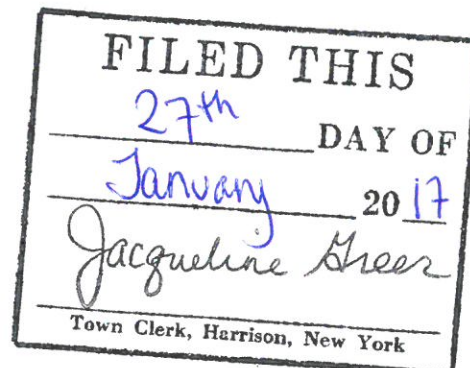
This analysis of how these provisions translated into practice informed my comments on the proposed amendments. In my comments, I have tried to encourage the relevant Town officials to conduct a thorough investigation through which they can assess whether granting a license for the proposed secondhand dealer business at the location applied for would, in their discretion, have a beneficial impact on the community.

Thank you for considering my comments. If you have any questions or if I can be of further assistance, feel free to contact me via email at fdgordo@outlook.com.

Sincerely,



Frank D. Gordon



January 26, 2017

2017 - - 031 (continued)

Village Attorney Kraut opined to Supervisor Belmont that the written comments that were submitted are specific to the statue, they provide opinions and I think Mr. Gordon did a very nice job.

Councilman Malfitano concurred and explained that he read Mr. Gordon's comments and wanted to thank him for submitting them and for all the work he did.

Harrison resident Jimmi Pritchard addressed the Board by questioning section 198-5 Applications, Item B. She queried why it limits this to the State of New York. Why wouldn't check for felony convictions in surrounding states or maybe even all 50 states? Why would we want to limit this?

Town Attorney Frank Allegretti replied saying one reason is that the Division of Justice of Criminal Services in New York State does a criminal history run of anyone it is only for New York offenses.

Harrison resident Jimmi Pritchard was concerned that the law as written could be contested by the applicant. She was not in favor of this.

Village Attorney Kraut replied that she made a good point and he just spoke to the Chief about it. There may be some ways we can broaden it.

Councilwoman Amelio said she wanted to question 198-7 Item B. Why does it say that any applicant refused a license by the Town Clerk may apply to the Town Board thereafter?

Town Attorney Frank Allegretti said they are appealing and there are provisions in our code that give anyone the right who has a denial to appeal.

Supervisor Belmont said he suggests that we keep the Public Hearing opening until the next board meeting and encourages written comments.

Linda Spero addressed the Board stating there is a situation and we are trying to fix it; that is what this looks like. If this person hadn't gone for a license no one would have known the law had to be corrected.

Councilman Malfitano replied that we do have an issue, that's clear. We now understand that we have a law that is non-functional. We cannot move forward without correcting it.

Harrison resident Frank Gordon said this ordinance is way out of date and it is just a patch; it is not a comprehensive update.

January 26, 2017

2017 - - 032

LETTER OF RESIGNATION FROM ELEANOR BETTINI

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to accept the letter of resignation from Eleanor Bettini from the position of School Crossing Guard, effective January 13, 2017.

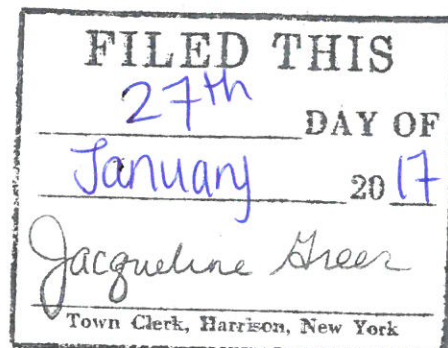
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager, Comptroller, and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 033

LETTER OF RESIGNATION FROM FRANK GROSS

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

RESOLVED to accept the letter of resignation from Frank Gross from the position of
School Crossing Guard, effective January 13, 2017.

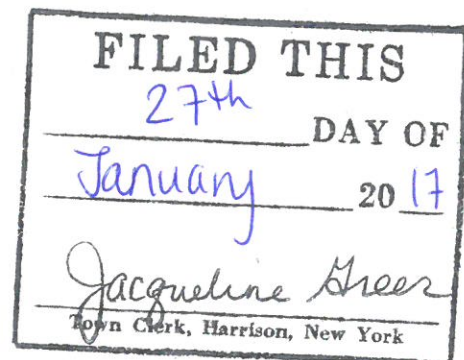
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager,
Comptroller, and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 034

AUTHORIZATION TO HIRE SUSAN READY AS
AN ALTERNATE CROSSING GUARD

On motion of Councilman Malfitano, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, to hire Susan Ready as an alternate Crossing Guard, effective immediately. The hourly rate of pay will be \$20.70.

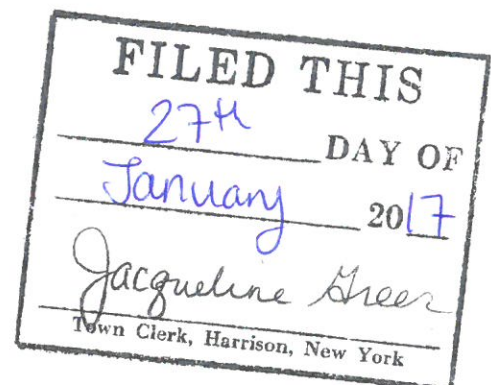
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager, Comptroller, and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 035

AUTHORIZATION TO HIRE MARIA DEPALO AS
AN ALTERNATE CROSSING GUARD

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, to hire Maria DePalo as an alternate Crossing Guard, effective immediately. The hourly rate of pay will be \$20.70.

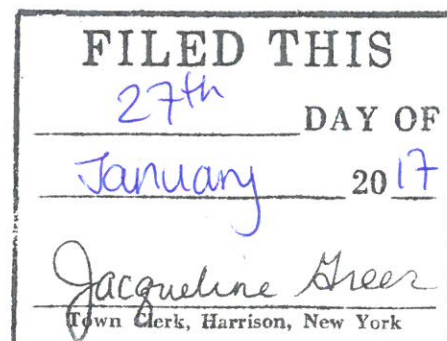
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager, Comptroller, and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 036

LETTER OF RETIREMENT FROM LOUIS ARLOTTA

Michael Olsey, Chief of Police wanted to thank Lou for his service and said he had the pleasure of working next to him for many years when they were patrolman. Lou served the town for 24 years with the last 11 of them in the Detective Division. He was responsible for some of Harrison's biggest cases which all ended in the arrest of many violent felons. Lou will be sorely missed by myself, the rest of the department especially the detective division. I want to wish him well on his retirement and his future endeavors.

Village Attorney Kraut spoke on Detective Arlotta's behalf by saying he was a "Will do guy." If you call and needed something done, he would always come back and say "will do." We are going to miss him.

Councilwoman Amelio Spoke on Arlotta's behalf by saying he has been a wonderful asset to the police department.

Supervisor Belmont concurred that Detective Arlotta has been a wonderful asset to the police department but also to the town, he is a great community minded person.

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept, with regret, the letter of Retirement from Louis Arlotta from his position of Detective for the Harrison Police Department, effective January 31, 2017.

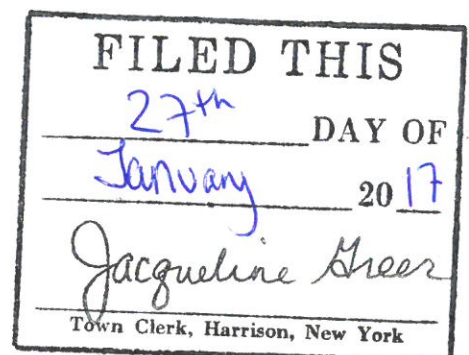
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager, Comptroller, and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 037

AUTHORIZATION TO ACCEPT THE FOLLOWING DONATIONS
FOR THE HOLIDAY PROJECT

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, for authorization to accept the following donations for the Holiday Project:

Anonymous \$25.00

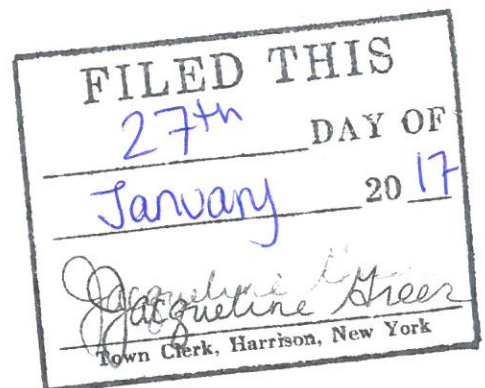
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 038

AUTHORIZATION TO ACCEPT A 2016 YEAR BUDGET MODIFICATION

On motion of Councilman Sciliano, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, for the following 2016 year Budget Modification:

Increase:	
001-0000-020-2680	3,064
Town-Insurance Recoveries	

Increase:	
001-3310-100-0479	3,064
Traffic-Auto Body	

Monies received from Travelers Insurance Company for damages of Police Vehicle 114 on November 28, 2016.

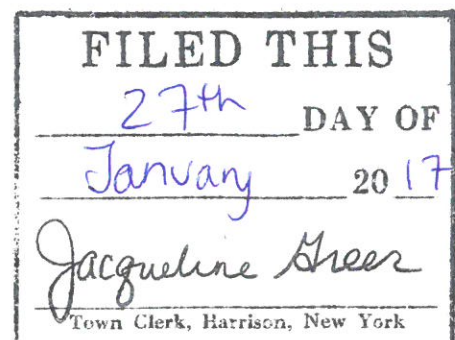
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 039

REQUEST FOR A NINETY (90) DAY EXTENSION OF THE FINAL SPECIAL
EXCEPTION USE PERMIT FOR WESTCHESTER AVENUE ASSOCIATES

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Seth Mandelbam from McCullough, Goldberger & Staudt, on behalf of his client Westchester Avenue Associates, LLC for a ninety (90) day extension of the Final Special Exception Use Permit application until May 3, 2017. This request is pursuant to Section 235-14(J) of the Harrison Zoning Ordinance that a building permit must be applied for within 90 days of the Final Special Exception Use Permit approval.

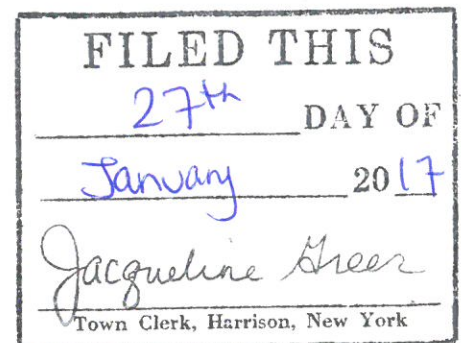
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, and the Building Inspector.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 040

AUTHORIZATION TO ACCEPT A DONATION

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

RESOLVED to accept the request by Superintendent of Recreation, Gerry Salvo, for authorization to accept the following donation from The Henry L. and Grace Doherty Charitable Foundation, Inc. in the amount of \$5,000.00.

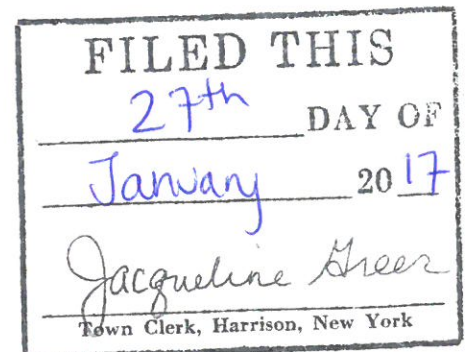
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, and the Superintendent of Recreation.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 041

AUTHORIZATION TO ACCEPT A DONATION TO THE FOOD PANTRY

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

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

\$2,000 from an anonymous donor

\$65 from the Harrison High School Guidance Department

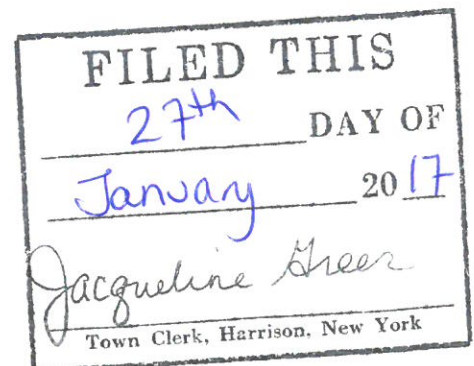
FURTHER RESOLVED to forward a copy of this Resolution to the Director of
Community Services, and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 042

AUTHORIZATION FOR PURCHASE ORDER #370274
ISSUED TO CHEVROLET OF SMITHTOWN

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by the Purchasing Department for Purchase Order #370274, issued to Chevrolet of Smithtown, for the purchase of a 2017 Chevrolet Tahoe for the West Harrison Fire Department (Fire District #1), in the amount of \$38,794.00. The vehicle is being purchased through the Nassau BOCES contract # 16/17-008R. Funding is available in the 2017 budget, account # 010-3410-100-02-30.

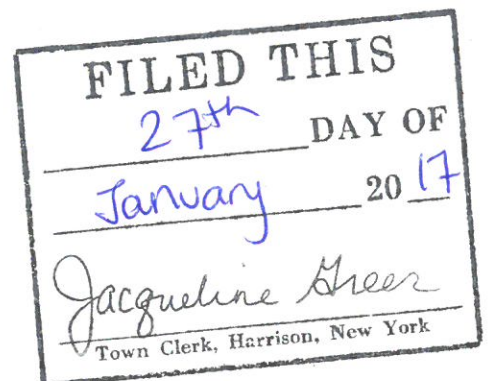
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, and the Purchasing Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 043

AUTHORIZATION FOR DETECTIVE ANTONY SALOV TO ATTEND THE
LOGICAL OPERATOR & CERTIFIED PHYSICAL ANALYST TRAINING COURSE

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Chief of Police, Mike Olsey, for Detective Antony Salov to attend the Logical Operator & Certified Physical Analyst Training Course on March 20th through March 24th 2017. The training is given by Cellebrite at the Suffolk County Community College in Brentwood, New York. This training was approved by the Town Board on April 28th, 2016 Resolution #2016-166.

FURTHER RESOLVED to rescind TBR #2016-166 due to the company Cellebrite cancelling this class last year. This is a budgeted item, the total cost of this training is the same as last year's amount of \$3,850.00.

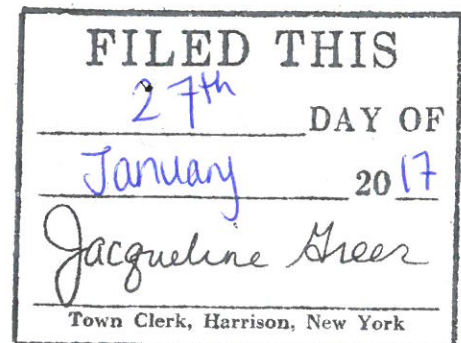
FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 044

AUTHORIZATION TO REGISTER ONE DEPARTMENT MEMBER FOR THE
INSTINCTUAL TO TACTICAL CONVERSATION – SELF DEFENSE UNDER
STRESS PART II TRAINING COURSE

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Chief of Police, Mike Olsey, to register one department member for the Instinctual to Tactical Conversation – Self Defense Under Stress Part II: Training Course titled Edged Weapons, Blunt Instruments and Ground Fighting Training on February 2, 2017. This is a budgeted item, the total registration cost for this training course is \$75.00.

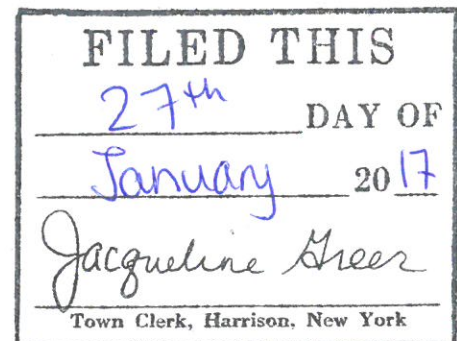
FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 045

AUTHORIZATION TO REGISTER FOUR DEPARTMENT MEMBERS FOR THE
HIDTA TRAINING

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Chief of Police, Mike Olsey, to register four department members for the HIDTA Training – Heroin/Opioid Prevention and Investigation Training Course on February 7, 2017. This is a budgeted item, the total registration cost for this training course is \$300.00.

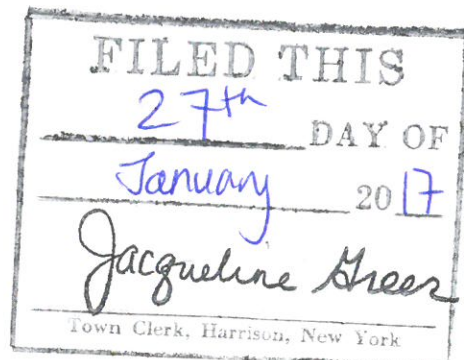
FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 046

APPROVAL TO RENEW THE EXISTING AGREEMENT BETWEEN CLARITY
TESTING SERVICES AND THE TOWN OF HARRISON

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Town Attorney, Frank Allegretti, to approve the renewal of the existing Agreement between Clarity Testing Services and the Town of Harrison executed on September 11, 2014 for Police Drug Testing Services.

FURTHER RESOLVED to authorize payment of services rendered for 2017.

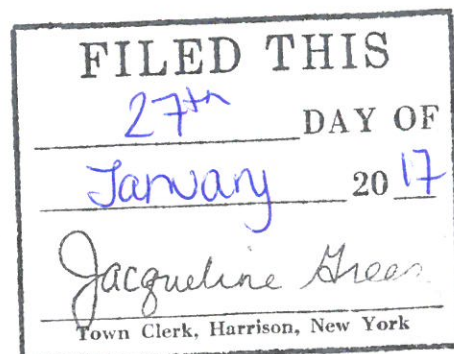
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, the Comptroller, and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 047

AUTHORIZATION OF THE FOLLOWING RESIDENT TAXPAYERS OF FIRE
DISTRICT #2 TO BE DESIGNATED TO ACT AS ELECTION OFFICERS

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Town Clerk, Jackie Greer, for the following resident taxpayers of Fire District #2 be designated to act as election officers for the special election for the purpose of voting on the adoption or rejection of the bond resolution to purchase a new fire truck:

Jackie Greer, Chairman of the Election
Patricia Langellotti, Election Officer
Joyce Noviello, Election Officer
Grace Polakoff, Election Officer
Linda Spero, Election Officer
Doreen Wolchik-Shannon, Election Officer
Albert Corvino, Election Officer

FURTHER RESOLVED that the persons named above, excluding the Chairman of the Election, be paid the sum of \$200.00 each for their services

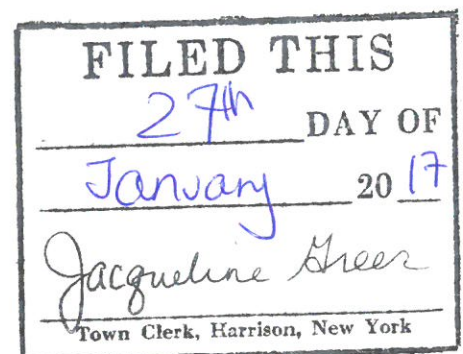
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 048
OLD BUSINESS

Supervisor Belmont explained that the Court Clerk had received a grant and has pictures and dates of service for all the previous justices that served our town court. The pictures will be placed along the wall above the jury box.

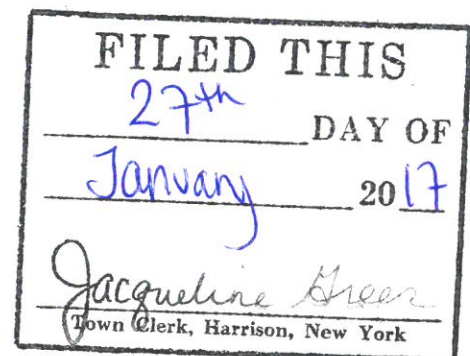
Harrison resident Rachel Ostroff said in the dialogs regarding the gun store there were discussions of adopting an ordinance. She was wondering if she could get an update on the status of that.

Supervisor Belmont explained the Deputy Village Attorney has been working on this is not here this evening. There should be something at one of our March meetings.

Harrison resident Matt Benson addressed the Board by saying he is very proud of this Town and proud to be a part of this town. He said he finds it hard to believe that the Secondhand Dealers License that was addressed here tonight came up completely independent of the gun store.

Councilman Malfitano explained that directly because of that issue we were taking up a law that on our books is garbage. The issue being in the room had nothing to do with the law itself. The law itself deals with the issue of buying and selling second hand goods that we regulate.

Supervisor Belmont clarified it further by explaining that Harrison resident Frank Gordon was the one who brought this to our attention. After that, someone came in for a permit and then someone else came in for a permit.



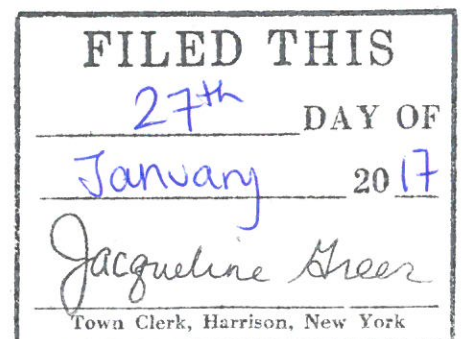
January 26, 2017

2017 - - 049

MATTERS FOR EXECUTIVE SESSION

Personnel: 2
Settlement of Claim: 3
Litigation: 2
Property Acquisition: 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 7:21 PM.



January 26, 2017

2017 - - 050

AUTHORIZATION TO PURCHASE THE LOT OWNED BY
JOHN AND JEANETTE VOETSCH, BLOCK 253, LOT 33

On motion of Councilman Sciliano, seconded by Councilman Dionisio,

it was

RESOLVED to authorize the Town to purchase the lot which is 25 (+/-) feet x 102 (+/-) feet currently owned by John and Jeanette Voetsch, Block 253, Lot 33, located on the corner of Calvert Street and Harrison Avenue for the amount of \$6,000 as per the deed dated October 22, 1979, recorded in Liber 7609, Page 232.

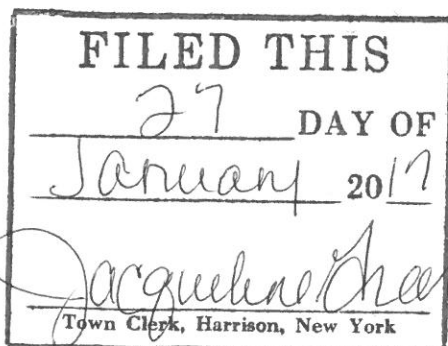
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 051

AUTHORIZATION TO SETTLE A CLAIM

On motion of Councilman Sciliano, seconded by Councilman Malfitano,

it was

RESOLVED to settle the claim in the matter of Gonzales vs. the Town of Harrison in the amount of \$2,961.11 subject to claimant signing a general release.

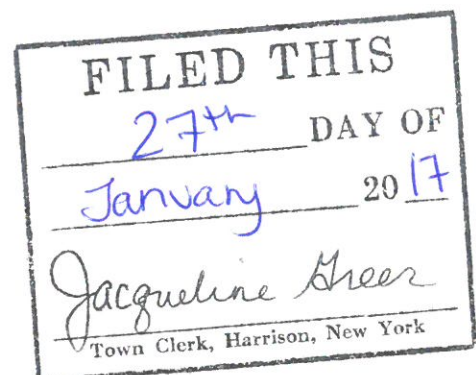
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 052
AUTHORIZATION TO PAY HARRISON EMS

On motion of Councilman Sciliano, seconded by Councilman Malfitano,
it was

RESOLVED to pay Harrison EMS \$41,666.00 for the month of January 2017.

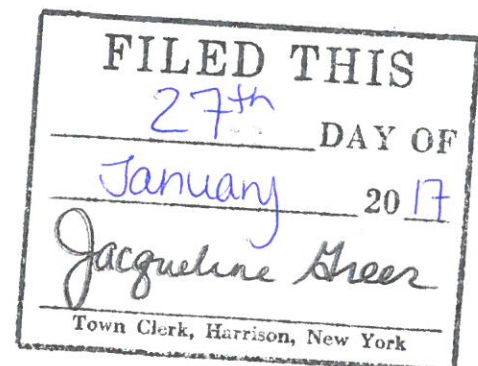
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 053

AUTHORIZATION TO RAISE CAP ON LEGAL FEES

On motion of Councilman Sciliano, seconded by Councilman Dionisio,

it was

RESOLVED to raise cap on legal fees to Sive Paget Risel for the Clean Water Act Litigation to \$100,000.00.

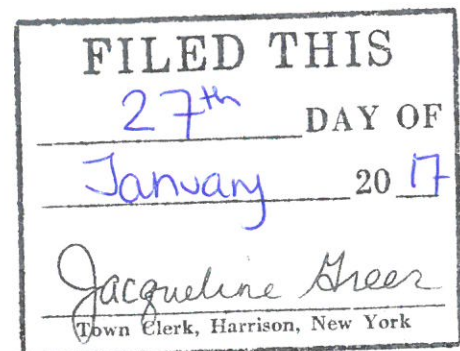
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 054

AUTHORIZATION TO RAISE CAP ON LEGAL FEES

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to raise cap on legal fees to Harfenist, Kraut & Perlstein on the matter of Marino vs. the Town of Harrison to \$25,000.00

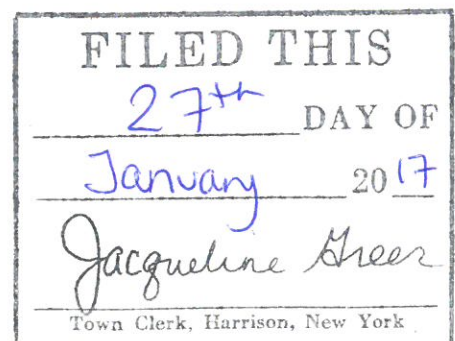
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 055

AUTHORIZATION TO SETTLE A CLAIM

On motion of Councilman Sciliano, seconded by Councilman Dionisio,

it was

RESOLVED to settle the claim in the matter of Utica National Insurance Group a.s.o. T. Squared Contracting, Inc. vs. the Town of Harrison in the amount of \$5,418.87 subject to a signed General Release by an authorized representative of Utica National Insurance Group.

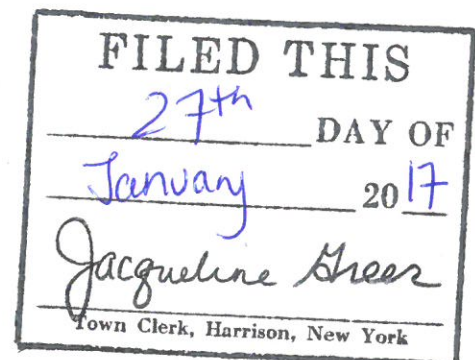
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



January 26, 2017

2017 - - 056

AUTHORIZATION TO SETTLE A CLAIM

On motion of Councilman Dionisio, seconded by Councilman Sciliano,

it was

RESOLVED to settle the claim in the matter of Travelers Home and Marine Insurance Co a.s.o. Robert Maurer and Jennifer Maurer vs. the Town of Harrison in the amount of \$3,485.00 subject to claimant signing a general release.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Dionisio, 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 10:30 PM.

Respectfully submitted,

Jacqueline Greer
Town Clerk

