

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 16, 2020 at 7:00 PM Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont . . . . . Supervisor  
Richard Dionisio.....)  
Frank Gordon.....) . . . .Councilpersons  
Lauren Leader.....)  
Fred Sciliano . . . . . )

ALSO ATTENDING:

Frank Allegetti . . . . . Town Attorney  
Jonathan Kraut.....Village Attorney  
Nelson Canter.....Deputy Town Attorney  
Maureen MacKenzie.....Comptroller  
Gerry Salvo.....Superintendent of Recreation  
Michael Amodeo.....Town Engineer  
John Vasta.....Chief of Police  
Anthony Robinson.....Commissioner of Public Works

January 16, 2020

2020 -035

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Sciliano, seconded by Councilman Gordon,

it was

RESOLVED to accept the following correspondence and reports:

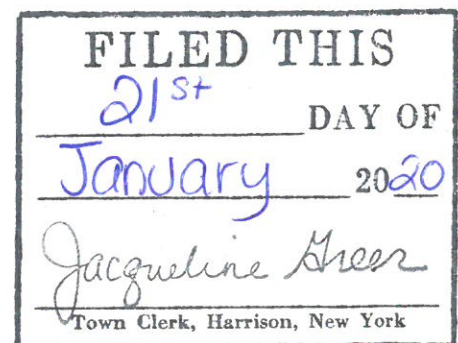
1. Monthly Report by the Commissioner of Public Works for December, 2019.
2. Monthly Report by the Building Inspector/Acting Fire Marshal for December, 2019.
3. Monthly Report by the Town Clerk for December, 2019.
4. Monthly Report by the Receiver of Taxes for December, 2019.
5. Monthly Report by the Superintendent of Recreation for December 2019.
6. Monthly Report by the Chief of Police for December, 2019.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader, and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

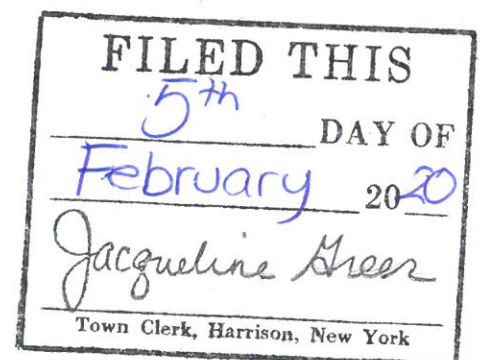
2020 -036

CONTINUATION OF THE PUBLIC HEARING REGARDING PROPOSED LOCAL LAW  
AMENDING CHAPTER 55, ENTITLED "ETHICS, CODE OF" BY REPEALING AND  
REPLACING SECTION 55-4 ENTITLED "REPRESENTATION OF PRIVATE INTERESTS"  
OF THE TOWN CODE OF THE TOWN OF HARRISON

Town Attorney Allegretti requested that the Public Hearing be continued until the February 6, 2020 meeting. Deputy Village Attorney Rendo was unable to attend this meeting due to a family issue. She has been working with Board Members on the language of the proposed law. Mr. Allegretti also stated that a letter was submitted by the Chairman of the Architectural Review Board (ARB) regarding this subject.

Village Attorney Kraut requested that the letter from Chairman of the ARB be placed in the Public Hearing file.

On motion of Councilman Sciliano, seconded by Councilman Gordon, with all members voting in favor, the hearing was tabled to the February 6, 2020 meeting.



January 16, 2020

2020 -037

AUTHORIZATION TO HIRE JENNA CACCAVALE AS A PART-TIME CLERK

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

RESOLVED to accept the request by Library Director, Galina Chernykh, to hire Jenna Caccavale as a part-time Clerk at an hourly salary of \$14.00, effective Monday, January 27<sup>th</sup>, 2020.

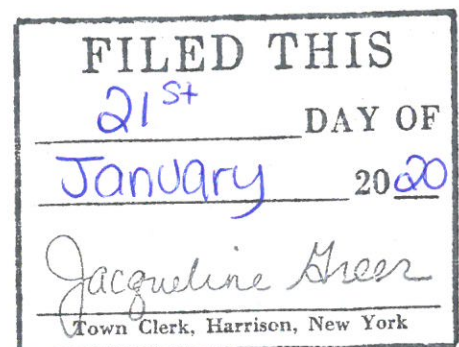
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager, and Library Director.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None





January 16, 2020

2020 -038

AUTHORIZATION TO HIRE ADRIAN W. HINES AS A  
TEMPORARY PART-TIME LIBRARY PAGE

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

RESOLVED to accept the request by Library Director, Galina Chernykh, to hire Adrian W. Hines as a temporary part-time Library Page at an hourly salary of \$12.00, effective Monday, January 27, 2020.

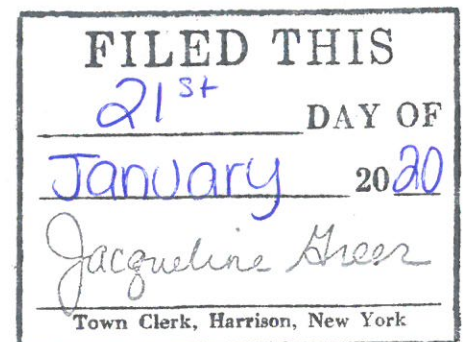
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager, and Library Director.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None

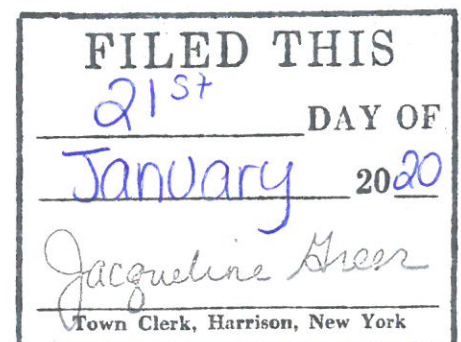


January 16, 2020

2020 -039

NOTIFICATION BY THE ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK  
OF THE 2020 TRAINING SCHOOL AND ANNUAL MEETING

Notification by the Association of Towns of the State of New York that the 2020 Training School and Annual Meeting will be held at the Marriott Marquis, New York City, February 16-19, 2020 for the following: Town Board Members, Building Officials, Planning & Zoning Officials, Town Justices Generally, Town Justices (Advanced, Accredited), Tax Collecting Officers, Fiscal Officers, Public Works & Highway, Town Clerks, Town Court Clerks and Town Attorneys.



January 16, 2020

2020 -040  
APPOINTMENT OF MARK GARDNER AND POLLY SCHIAVONE  
TO THE BOARD OF ASSESSMENT REVIEW

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

RESOLVED to accept the request by Town Assessor, Mark Heinbockel, to appoint Mark Gardner and Polly Schiavone to The Board of Assessment Review.

FURTHER RESOLVED to approve for them to retake a four (4) hour class with the County Tax Commission in April 2020.

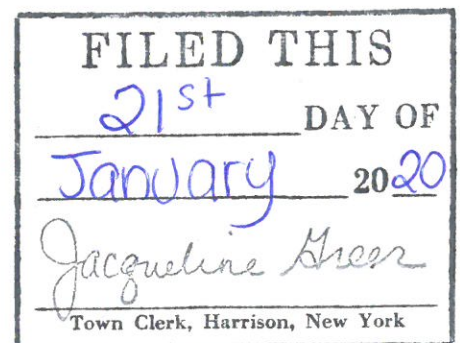
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Town Assessor.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -041  
AUTHORIZATION TO ACCEPT DONATIONS  
TO THE HARRISON FOOD PANTRY

On motion of Councilman Dionisio, seconded by Councilman Gordon,  
it was

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

- \$2,000 from an anonymous donor
- \$1,000 from an anonymous donor
- \$100 from Stephen and Linda Purdy

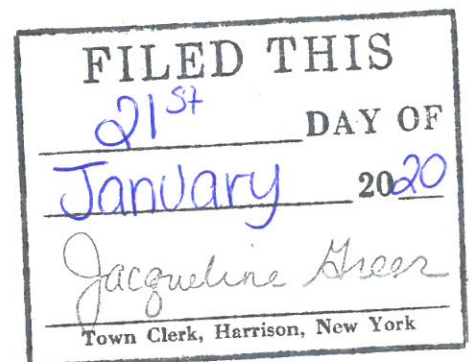
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Director of Community Services.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -042

AUTHORIZATION TO ACCEPT THE WIIA GRANT  
FOR TOWN-WIDE SANITARY SEWER REHABILITATION

On motion of Councilman Sciliano, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, to accept the WIIA Grant awarded in an amount not to exceed \$1,750,000.00 for Town-wide Sanitary Sewer Rehabilitation.

FURTHER RESOLVED for the Town Engineer to sign the Acknowledgement and Acceptance form for the WIIA Grant.

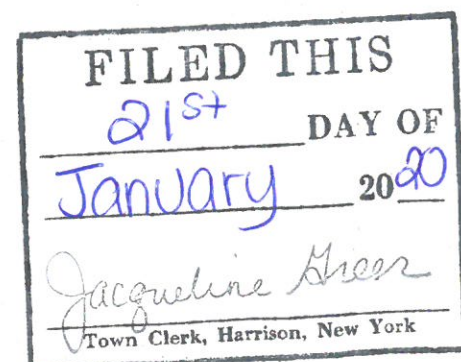
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Town Engineer, and Law Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None





January 16, 2020

2020 -043

AUTHORIZATION TO AWARD THE BID TO  
ENVIRONMENTAL MAINTENANCE CONTRACTORS, INC FOR  
ASBESTOS REMOVAL AND DISPOSAL OF ALL ASBESTOS CONTAINING MATERIAL  
AT 8 CALVERT STREET

On motion of Councilman Sciliano, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, to award the bid to Environmental Maintenance Contractors, Inc. for Asbestos Removal and Disposal of all Asbestos Containing Material at 8 Calvert Street in preparation for demolition at a cost not to exceed \$113,000.00. Funding for this contract is available in Capital Account #17RE15- New Recreation Facility.

FURTHER RESOLVED for the Purchasing Department to issue a Purchase Order payable to Environmental Maintenance Contractors, Inc. at an amount not to exceed \$113,000.00.

FURTHER RESOLVED for the Law Department to review and finalize the contact.

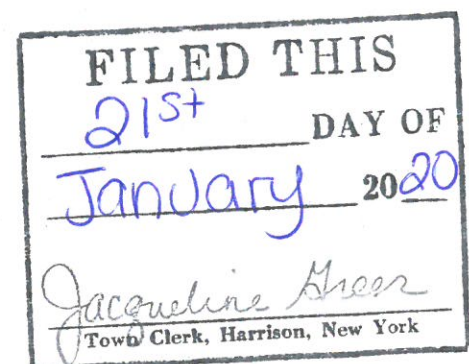
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Town Engineer, Law Department, and Purchasing Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None





January 16, 2020

2020 -044

AUTHORIZATION TO HIRE NICHE ANALYSIS, INC. FOR  
AIR MONITORING AND LAB ANALYSIS SERVICES IN RELATION TO  
ASBESTOS REMOVAL FOR THE 8 CALVERT STREET DEMOLITION PROJECT

On motion of Councilman Dionisio, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, to hire Niche Analysis, Inc. for Air Monitoring and Lab Analysis services in relation to Asbestos Removal for the 8 Calvert Street Demolition Project at cost not to exceed \$8,250.00. Funding for this contract is available in Capital Account #17RE15- New Recreation Facility.

FURTHER RESOLVED for the Purchasing Department to issue a Purchase Order payable to Niche Analysis, Inc. at an amount not to exceed \$8,250.00

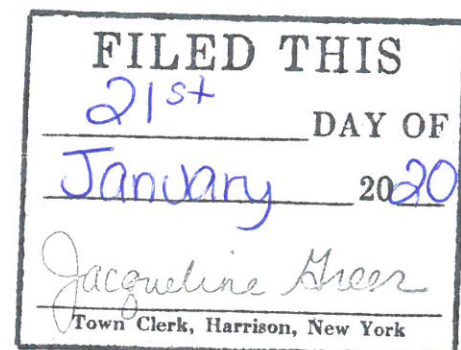
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Town Engineer, and Purchasing Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -045

AUTHORIZATION TO HIRE TC MERRITTS LAND SURVEYORS TO COMPLETE A  
SURVEY FOR JEFFERSON STREET WIDENING PROJECT

On motion of Councilman Sciliano, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, to hire TC Merritts Land Surveyors to complete a survey for Jefferson Street Widening Project at a cost not to exceed \$3,540.00. Funding for this contract is available in Engineers Special Services Account #001-1440-100-0407.

FURTHER RESOLVED for the Purchasing Department to issue a Purchase Order payable to TC Merritts Land Surveyors at an amount not to exceed \$3,540.00.

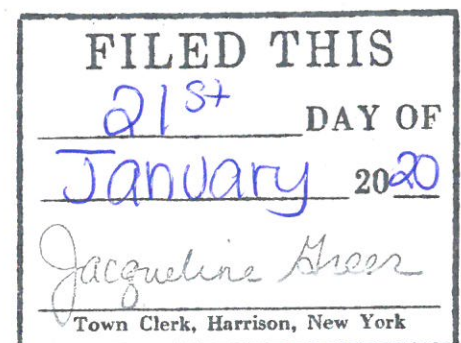
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Town Engineer, and Purchasing Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -046

AUTHORIZATION FOR A PROFESSIONAL SERVICES CONTRACT WITH WOODARD  
AND CURRAN FOR CONSTRUCTION INSPECTION SUPPORT SERVICES FOR  
104 CORPORATE PARK DRIVE/ MONTEFIORE MEDICAL CENTER  
CHILDREN'S HOSPITAL

On motion of Councilman Dionisio, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, for a professional services contract with Woodard and Curran for construction inspection support services for the 104 Corporate Park Drive project, at a cost not to exceed \$11,600.00. Funding for this contract has been provided by the developer and is available in the Trust and Agency Account #009-000-763.

FURTHER RESOLVED for the Purchasing Department to issue a Purchase Order payable to Woodard and Curran at an amount not to exceed \$11,600.00.

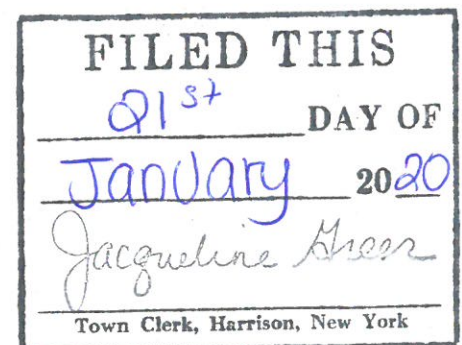
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Town Engineer, and Purchasing Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

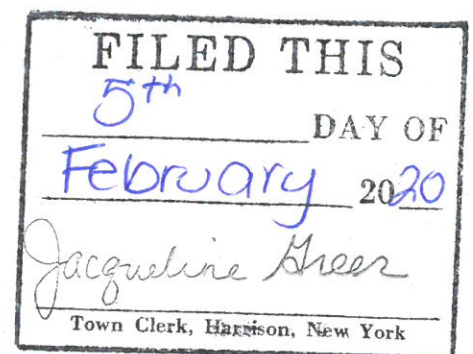
2020 -047

REQUEST FOR A FIREWORKS DISPLAY  
AT BRAE BURN COUNTRY CLUB

Councilwoman Leader explained that she didn't know what the firework application was for and there wasn't enough information submitted as to why Brae Burn was requesting this.

Councilwoman Leader asked for this to be tabled until the next meeting.

On motion of Councilwoman Leader, seconded by Councilman Gordon, the matter was tabled to the February 6, 2020 meeting.



January 16, 2020

2020 -048

AUTHORIZATION FOR THE TOWN JUSTICES, COURT CLERK, AND DEPUTY COURT  
CLERK TO ATTEND THE ANNUAL ASSOCIATION OF TOWNS CONFERENCE

On motion of Councilman Sciliano, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Court Clerk, Jacqueline Ricciardi, for the Town Justices, Court Clerk, and Deputy Court Clerk to attend the Judicial Training and Court Clerk's Training at the annual Association of Towns Conference to be held in New York City from February 16<sup>th</sup> to 19<sup>th</sup>, 2020. The total cost will not exceed \$5,000.00 and includes commuting costs, Town Justices and Court Clerk lodging, meals, and conference registration fees.

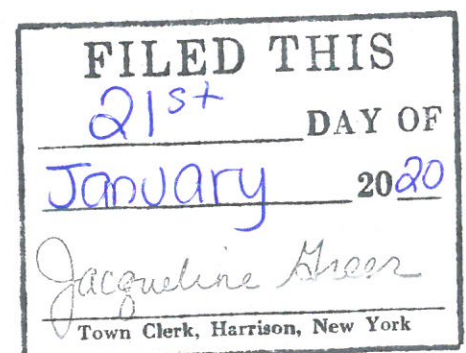
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Court Clerk.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None





January 16, 2020

2020 -049

AUTHORIZATION FOR TWO POLICE OFFERS TO ATTEND THE  
INVESTIGATION INTERVIEWING AND  
ADVANCED INTERROGATION TECHNIQUES COURSE

On motion of Councilman Dionisio, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Chief of Police, John Vasta, for 2 police officers to attend the Investigation Interviewing and Advanced Interrogation Techniques Course at a total cost of \$1,150.00. This seminar is hosted by John E. Reid & Associates and will be held on January 28<sup>th</sup> through January 31<sup>st</sup>, 2020 at Bergen County Police Academy in Mahwah, New Jersey. This is a budgeted item and funds are available in the Schooling Budget Line 001-3120-100-0415.

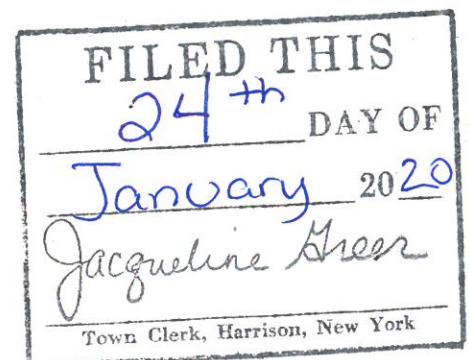
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Chief of Police.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None





January 16, 2020

2020 -050

AUTHORIZATION FOR SERGEANT ERIN HINCHEY AND CANINE CHUCK,  
AND SERGEANT PATRICK VARBERO AND CANINE ALEX TO ATTEND THE  
ANNUAL WEEK OF IN-SERVICE K-9 TRAINING

On motion of Councilman Sciliano, seconded by Councilman Dioniso,

it was

RESOLVED to accept the request by Chief of Police, John Vasta, for Sergeant Erin Hinchey and Canine Chuck, and Sergeant Patrick Varbero and Canine Alex to attend the annual week of In-Service K-9 training. The training is conducted by Gold Shield Canine Training LTD and will be held from Monday, March 16<sup>th</sup> through Friday, March 20<sup>th</sup>, 2020 in Blacklick, Ohio. The cost of this training including travel expenses, should not exceed \$5,648.00. This is a budgeted item and funds are available in Account line #001-3120-100-0471.

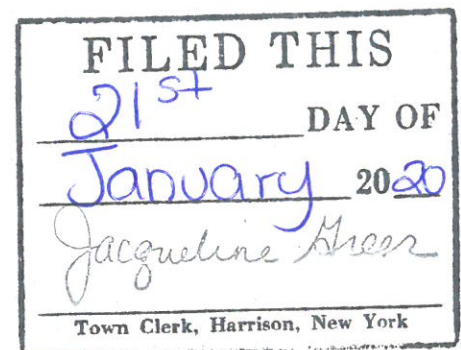
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Chief of Police.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -051

AUTHORIZATION FOR SIX FIREFIGHTERS TO ATTEND THE  
LONG ISLAND CHIEF'S CONFERENCE AND MEGA SHOW

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

RESOLVED to accept the request by 1<sup>st</sup> Assistant Chief of Fire District #2, Ralph Straface, for six firefighters to attend the Long Island Chief's Conference and Mega Show on the weekend of Friday, February 8<sup>th</sup>, at a cost to exceed \$600. Funding is in Account #11-3411-100-0406.

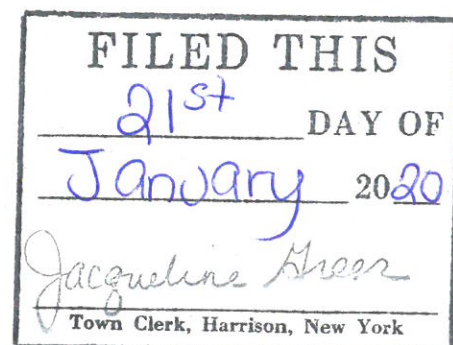
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Chief of Fire District #2.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -052  
APPROVAL OF A BUDGET MODIFICATION

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

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, to approve the following Budget Modification:

To Appropriate Town Fund Balance, particularly from 001-0000-899, Reserve for Police Department (Equitable Sharing Funds) and move to the Police Department Fixed Assets budget line. The funds will be used to purchase a copier for the Police Department.

Increase:

001-0000-059-5999

Town Appropriated Fund Balance \$6,011

Increase:

001-3120-100-0250

Police Department Fixed Assets \$6,011

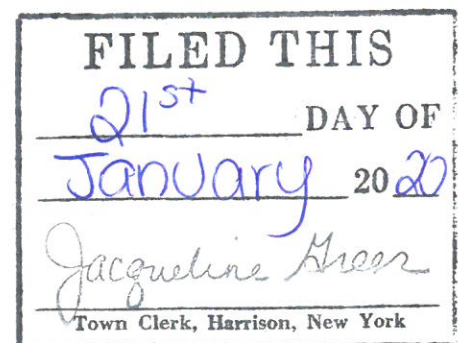
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -053

CONFIRMATION OF THE REQUEST BY THE HARRISON PUBLIC LIBRARY BOARD  
OF TRUSTEES TO APPOINT RANDI N. GRAY AND MARIA BANNON TO A TERM AS  
TRUSTEES OF THE HARRISON PUBIC LIBRARY

On motion of Councilwoman Leader, seconded by Councilman Gordon,

it was

RESOLVED to accept confirmation by The Harrison Public Library Board of Trustees to appoint Randi N. Gray and Maria Bannon to a term as Trustees of the Harrison Pubic Library. This five-year term will commence on January 1, 2020 and end on December 31, 2024.

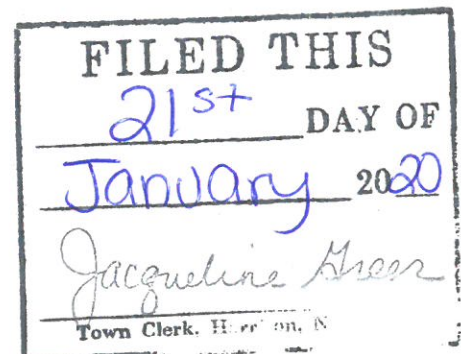
FURTHER RESOLVED to forward a copy of this Resolution to the Library Director

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None





January 16, 2020

2020 -054  
AUTHORIZATION TO SCHEDULE A PUBLIC HEARING  
FOR PROPOSED LOCAL LAW ENTITLED  
"RETAIL SINGLE-USE PAPER CARRYOUT BAGS"

Village Attorney Kraut addressed the Board. If the Board Members desire to set the hearing they would not be obligated to open the hearing. Setting the hearing for the February date would obviously give the Board the ability to open and have the hearing and adopt the law. This is unusually short notice in terms of review of a local law. It appears that some of the paper bag charges that are provided through State legislation need to be closely examined. The Law Department is still looking at this issue which might be time sensitive, i.e. need to be adopted if you wanted to have that added in the law by March 1<sup>st</sup>. Mr. Kraut noted this to the Board because it is a little shorter notice then the Law Department suggests that local laws be adopted. If the Board wishes to set the hearing date that is fine to do. When the Board get closer to adoption the Law Department can give the Board timely information.

On motion of Councilman Dionisio, seconded by Councilwoman Leader,

it was

RESOLVED to schedule a Public Hearing for February 6, 2020 for a proposed Local Law in the Town of Harrison entitled "Retail Single-Use Paper Carryout Bags."

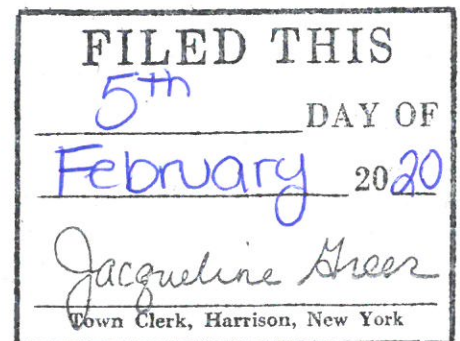
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -055  
OLD BUSINESS

Village Attorney Kraut addressed the Board. He stated he had reviewed the January 2<sup>nd</sup> meeting and draft minutes. Something came up at that meeting that he has brought up over the years with the Boards and with various Mayors. That specifically was that while almost every Municipality calls an organizational meeting, Harrison has traditionally had its own way of doing so which predated his tenure. Mr. Kraut continued by explaining that Harrison's Organizational meeting was to have a list of First of the Year Resolutions. In all his years the First of the Year Resolutions were uniformly taken as a group and passed. The issue that Mr. Kraut had brought up over the years was that many of the resolutions that were proposed were superfluous in so far as they were, in certain instances, of which he gave an example, the Tax Assessor being appointed. The Tax Assessor in towns in New York State serve a term of six years. Once you appoint your Tax Assessor they don't get appointed again for six more years. Mr. Kraut further explained that Town Attorneys are appointed for a term of two years; once they are appointed for a term of two years they don't get appointed again until their term is completed. Civil Service positions, once they are appointed and they are behind probationary periods they don't require reappointments. Mr. Kraut provided the analogy that if you are married and you chose to renew your wedding vows once a year and one year you don't renew your wedding vows, the next day you are still married. It appears there was a misunderstanding that certain members of the board had regarding the Commissioner of Public Works position. He suggested that the Board is aware of this, so some of what he had said was really for the public record because the information had been emailed to the Board and the Board had seen it. Mr. Kraut went on to explain that Westchester County Civil Service communicated with our Personnel Officer and communicated that "The title of Commissioner of Public Works is designated as a competitive class position for the Village of Harrison and subsequently Anthony Robinson is a competitive class employee and appointed from the Commissioner of Public Works eligible list, certification number 17158. In accordance with Section 75 of the Civil Service Law he has Section 75 rights; as a result, he cannot be removed without a hearing." Mr. Kraut went on to explain that our Civil Service resources for the County have said you could not remove the Commissioner of Public Works without a hearing. The complete thought is you could not remove him without preferring charges for some form of in subornation, gross miss competence, etc. then there must be a hearing. Mr. Kraut went on to say that the way Civil Service protection works in New York and constitutionally under the Federal Law is that a public employment position that is afforded Civil Service protection is a protected right and therefore it has constitutional protections for due process. With all that being said, there is at present a muddled record insofar as Resolution 21B of this year which indicates that there was a motion defeated to reappoint Anthony Robinson as the Commissioner of Public Works. Mr. Kraut explained with the failure of that resolution, it is a little muddled because the Supervisor then tabled it for advice of counsel and to hear from Civil



January 16, 2020

2020 -055 (Continued)

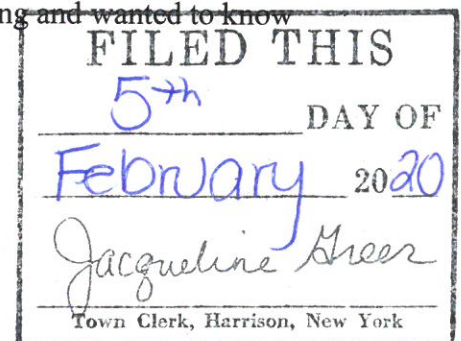
Service. There has been a standing Resolution allowing the Board members, such as in the case of the fireworks item brought to the Board earlier in the meeting by Councilwoman Leader, to request an issue be Tabled until the next meeting. It was unclear to Mr. Kraut whether the Board walked away with one impression or another. There was another Resolution: 21C, where the Board resolved to appoint Christopher Park as Acting Commissioner of Public Works. Mr. Kraut said again the record shows that it was tabled for advice of counsel and to hear from Civil Service. Mr. Kraut suggested two things should happen. One: Going forward with regard to the Annual Resolutions, Mr. Kraut tried to figure out the history of current process. Mr. Kraut had discussed this with our Comptroller and she, like himself, said this list of reappointments has been going on forever. Mr. Kraut also spoke to senior personnel. He discovered from them that some of the senior personnel have, over the years ended up on the annual reappointment list when they didn't require annual reappointments and fallen off in other years. Under certain Supervisors the list was longer and others it was shorter. Mr. Kraut explained the Law Department will take a closer look on how reorganization is handled and provide the Board with advice on how the First of the Year Resolutions should be worded. Mr. Kraut explained that it appeared that at some point during the history of all this the State Comptroller's Office, in one of the town's annual audits, flagged not having appointment resolutions individually. The reasoning as it turns out does not have to do with a requirement that these individuals have to be reappointed. What it does have to do with is that the Board passes a budget and the salary line for these individuals change; there does need to be a resolution specifying that you are already appointed or in the case of a Civil Service Protected employee like the Commissioner, that the salary is reset. We are going to recommend the Mayor change how this is in his agendas going forward. The second issue is a matter of clarity. We are all only here for as long as we are here, and we have Resolutions that go back to the formation of the Town. The Law Department is going to ask you for clarity's sake to rescind Resolutions 21A and B that was referenced and then the Board can go forward with a clean slate on this issue.

Supervisor Belmont made the motion to rescind Town Board Resolutions 21B and 21C and Councilman Sciliano seconded the motion.

Councilman Gordon requested to Table this issue for advice of counsel.

Supervisor Belmont said he had a motion and a second and he asked if anyone wanted to address the Board on this matter.

Councilwoman Leader replied that she didn't hear anyone second anything and wanted to know what the motion was.



January 16, 2020

2020 -055 (Continued)

Supervisor Belmont replied that the motion was to rescind the two resolutions from last meeting.

Councilwoman Leader replied that she believed there was a motion to table this from Councilman Gordon.

Village Attorney Kraut replied that what he heard was the Supervisor make a motion, Councilman Sciliano seconded the motion and Councilman Gordon asked to table it and then I think the Meeting Chair is allowing people to address the Board.

Councilwoman Leader replied there was no vote; we need to vote on that motion.

Supervisor Belmont replied we are not voting yet. I want to hear from the public.

Councilwoman Leader replied is this the only time we are not voting on a motion of our colleagues.

Village Attorney Kraut replied he didn't think the Supervisor said no one could vote on it.

Supervisor Belmont replied he made a motion; I have a second. I want to hear people speak on the motion then we can take a vote.

Councilwoman Leader said there is also a motion to table this. I'm not opposed to people talking about it but I would like to see us follow through on the motion to table which Councilman Gordon made.

Village Attorney Kraut explained to Councilwoman Leader that when there is a one motion pending the general practice is to deal with the motion that is pending before you move forward.

Harrison resident Richard Vendola said he was a lifelong resident and worked for the Town for almost 35 years and he was now retired for two years. He had watched the last Town Board meeting and was very disappointed on how a personnel issue was handled. He was specifically discussing Tony Robinson, Commissioner of Public Works. It seems to him that some Board Members had their own agenda. There was a Board member so focused on getting his motion passed that he wasn't listening to the Town Attorney who was stating that the subject needed to be tabled. As it was just stated through Civil Service Law, Mr. Robinson is protected from removal from his position. Now that you have been advised of this by counsel what are you going to do about it? Another Board member abstained from one vote because she was new to the Board and needed information, but she had enough information to vote on removing Mr. Robinson. Is removing Mr. Robinson, who passed the required test, has the experience and knowledge for this job, Moving Harrison Forward? I don't think so. Mr. Vendola went on to say

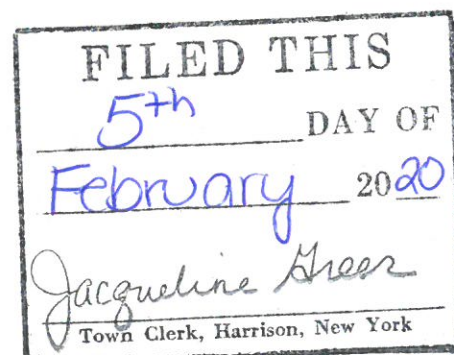


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2020 -055 (Continued)

we all know this is a small town and everyone talks. I would hope that a Board Member wouldn't use his power for personal reasons just because he has a disagreement with Mr. Robinson. Mr. Robinson has been a dedicated employee for the Town for the last 15 years. It is not fair what has happened to him and his family over the past two weeks. In the future, I would hope that each Board Member would do his or her own homework before voting on an issue that impacts a person's life and listen to the Town Attorneys. That is what they are here for.

Harrison resident Charlie Giacomo addressed the Board. Mr. Giacomo commended Mr. Allegretti for having the foresight to say let's table this whole mess for further investigation. Mr. Giacomo commended Mr. Belmont and Mr. Sciliano for having the sense to say this isn't right. The laws that Mr. Gordon are citing do not apply to Mr. Robinson because he was not appointed. He has Civil Service protection. The Board is breaking State and Civil Service law and that is what your Counsel has told the Board and three members argue with them. Mr. Giacomo said that Councilwoman Leader's first action as a member of the Town Board was to fire somebody with 15 years employment without having ever met him. That's a real good way to start. Knowing all these legal formalities, members of the Board still insist on trying to fire someone you can't fire. Mr. Giacomo appeared to recite from section 195 of the NYS Penal Law titled "Official Misconduct." Mr. Giacomo read it as follows: A public servant is guilty of official misconduct when with intent to obtain a benefit or deprive another person of a benefit. Mr. Giacomo then opined that if an individual goes to one of the Town Commissioners and asks for a favor that is a Class A misdemeanor. He suggested that the Board should think about that next time members get in an argument and look to benefit for their own good. Mr. Giacomo said that this is a very serious accusation, but people talk and that is the way of it. He suggested Board Members should school themselves in Civil Service law before the Board makes an idiotic move like this again. Knowing all the protections he has, if the Board continues down this road, I remind the Board, you are opening the Town and yourselves up to a major league lawsuit that the Board is not going to win. Mr. Giacomo went on further to say that the Board went against direct counsel from the Town Attorney. Each of you will be sued individually and they aren't going to defend you and it is going to come out of your own pockets; think about that. Having this knowledge, what is the Board going to do about it now? Mr. Giacomo explained his statement wasn't directed toward Supervisor Belmont or Councilman Sciliano; This Town Board, the three of you directly, owe Mr. Robinson and his family an apology for the stress that you caused them the past few weeks. You people should be ashamed of yourselves and I demand an apology to Mr. Robinson and his family.



2020 -055 (Continued)

Harrison resident Joseph Stout addressed the Board. Mr. Stout explained he has over 40 years of experience in public service with most of it in a managerial sense. He opined that he probably had more experience than anyone sitting at the dais except for the Supervisor with regard to Section 75 laws. He urged the Board not to take a step that cannot be rescinded by firing a duly appointed/permanently appointed civil servant without preferring charges, without having a hearing by an independent hearing officer who gives you a recommendation on what should be done. You had on the agenda that you hired Vince Toomey's Law Firm. Mr. Toomey is one of the foremost respected Human Resource lawyers if not in the State in the Country. If he has not advised you that this is not a smart thing to do legally and put the Town at liability I'd be shocked. Mr. Stout conceded he was not a lawyer but had been on many sides of Section 75 arguments. He noted he served at the pleasure and was an appointed official. If Commissioner Robinson was the same as me then the Board is within your right to remove him and you don't need a reason, but he is not. He has Civil Service protection. I'm urging the Town not to open us all up, as tax payers, to what will become a losing law suit that even if the Town Attorneys, as good as they are, tried to defend it, this is black and white, he has Section 75 Civil Service protection.

Commissioner of Public Works Anthony Robinson addressed the Board. He introduced himself to Councilwoman Leader. Mr. Robinson thanked the people who came up to speak and show support for him including his family, friends and people he didn't know. Mr. Robinson said that since this action was taken, he has continued to execute the required responsibility of his office with the professionalism he has exhibited over his entire career both here and in the private sector. He went on further to state that he did not know how the three Board members who voted against his reappointment came to their conclusion and then made you choose this current course of action. Perhaps you were misinformed of relevant law, perhaps you were given bad advice or simply misunderstood the relevant laws regarding the matter. However now with this new information has come to light, he suggested it was clear. Whatever their reason, Mr. Robinson asked the Board to heed the advice of counsel, rescind the previous action and allow him to continue to faithfully and professionally serve the taxpayers of Harrison as he had done for these past 15 years. Mr. Robinson continued by stating that he wanted to make it painfully clear; if the Board chose to trample on the rights that you now know he is afforded he will take immediate and decisive legal actions against the Town of Harrison, if warranted, and certainly against each of you individually who chose this path that the Board is now going under to ensure that those rights are protected.

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2020 -055 (Continued)

Village Attorney Kraut addressed the Board. He wanted to make it abundantly clear and not let it get lost in the translation, the Law Department is asking the Board and recommending that the Board rescind Resolutions 21A and 21B from the January 2, 2020 meeting. The reasoning is at best is the Resolutions are quite muddled. He said if the Board went back and watched themselves on the television the acts performed, and the words spoken were quite muddled. Having been someone over the years that have to go back and look at resolutions sometimes decades old or 50 years old it would be bad form to leave such resolutions on the record. Mr. Kraut made it "abundantly clear" irrespective of what the Board does the County has spoken, you have a duly appointed individual who serves with Civil Service protections. Tomorrow morning whether you take our advice and rescind the resolutions or not, you still have the same Commissioner you had yesterday, the day before or December 31<sup>st</sup>. This Board will continue to have the same Commissioner of Public Works until and unless charges are preferred and a hearing pursuant to Section 75 is completed and a determination is ultimately made. The Law Department is asking the Board to rescind the Resolutions because it is the appropriate thing to do when the Board makes a mistake and muddles the record. Mr. Kraut continued, as the public was addressing the Board he was going back over in his mind, we don't follow Roberts Rules in the Town but noted what had transpired. What he heard Councilman Gordon say was two things that perhaps were cross wired. Mr. Kraut said he heard him say he was moving to table this, but Mr. Gordon requested it for Advice of Counsel. Mr. Kraut spoke earlier about tabling issues. When tabling an issue that issue is carried over to the next meeting; if what was being motioned was for a recess to have Advice of Counsel in Executive Session that is proper. That motion can be seconded, and we can certainly take a break now and go into Executive Session. Mr. Kraut explained to the Board that there are some things that he would advise the Board about that he would not do here but would do in Executive Session.

Councilwoman Leader said that in matters as complex and sensitive as this she was not comfortable discussing this in a public session. Councilwoman Leader understood the high emotions and appreciated that everyone had come to speak. She went on to explain that she took very seriously the feelings and the feelings of your family. Councilwoman Leader said she takes her job very seriously and she thought the appropriate course for this issue to be discussed outside of this meeting (Executive Session).

Village Attorney Kraut questioned Councilman Gordon if his motion was to recess for advice of counsel.

Councilman Gordon replied that there already was a motion on the floor, is there not?



January 16, 2020

2020 -055 (Continued)

Village Attorney Kraut said if there is a motion pending and a majority of the Board wants advice of counsel we go in and the Board will get the advice of counsel before you vote.

Councilman Dionisio made a motion to recess for advice of counsel, seconded by Councilman Sciliano.

Village Attorney Kraut said now you have a motion that has been seconded to get advice of counsel. Supervisor Belmont you should take a vote on that first.

Councilman Gordon asked Village Attorney Kraut to repeat the motion.

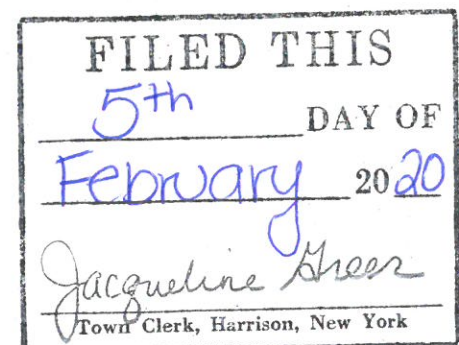
Village Attorney Kraut replied the motion was to go into Executive Session for advice of counsel on the motion that was pending.

Councilman Gordon replied that he had a question for counsel with regards to recess. Suppose it is not feasible to resolve the question this evening?

Village Attorney Kraut replied that we will cross that bridge when we come to it.

Councilman Dionisio made the motion to recess for advice of counsel, seconded by Councilman Sciliano and all members voting in favor.

Village Attorney Kraut apologized to the public explaining that sometimes giving legal advice takes more time than one would think. Sometimes when an attorney provides legal advice, they will get additional follow-up questions. Mr. Kraut explained further that the Board has authorized him to say the following: To be clear, the Board never fired or in any way removed Anthony Robinson from his position; he was, and he remains our Commissioner. He was Commissioner on December 31<sup>st</sup>, he was Commissioner on January 1<sup>st</sup>, he is Commissioner today and he will be as such tomorrow. Mr. Chris Parks is not our Acting Commissioner of Public Works as the meeting tape speaks for itself. The Board has asked for some time to get a few additional questions answered from the Law Department. That does not affect the fact that Anthony Robinson continues to service as our Commissioner of Public Works. Certainly, when the Law Department is asked to provide additional information we do so, and we will. Based on that, the Board has a Resolution that was seconded, and you can decide at this time what you want to do with that. You can table it to the next meeting; it is my understanding that is what the Board wanted to do.





January 16, 2020

2020 -056 A  
EXECUTIVE SESSION FOR ADVICE OF COUNSEL

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

RESOLVED to go into Executive Session for advice of counsel on a pending motion to rescind  
Town Board Resolutions 2020-002-21B and 2020-002-21C.

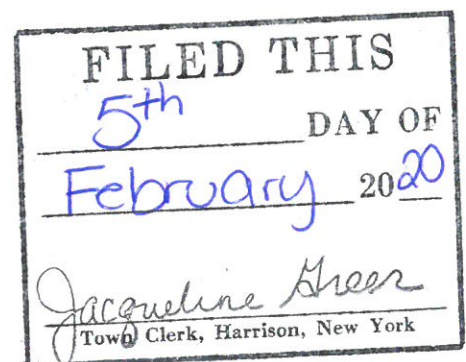
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -056 B  
TABLE REQUEST TO RESCIND TOWN BOARD RESOLUTIONS  
2020-002-21B AND 2020-002-21C

On motion of Supervisor Belmont, seconded by Councilman Dionisio,

it was

RESOLVED to table the request to rescind Town Board Resolutions 2020-002-21B and 2020-002-21C until the next Town Board Meeting.

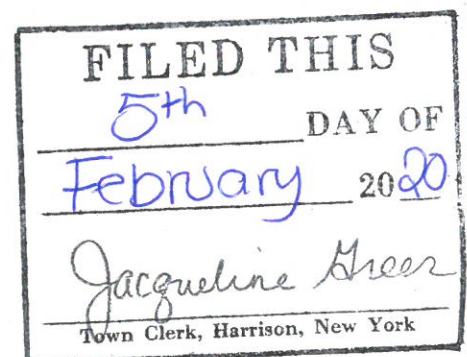
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



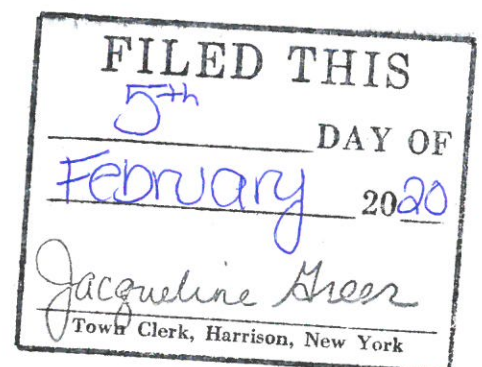
January 16, 2020

2020-057  
MATTERS FOR EXECUTIVE SESSION

2 Personnel

1 Advice of Counsel

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was recessed to Executive Session at 8:48 PM



January 16, 2020

2020 -058  
AUTHORIZATION TO TERMINATE THE EMPLOYMENT  
OF DINO DELSIGNORE

On motion of Councilman Sciliano, seconded by Supervisor Belmont,

it was

RESOLVED to terminate the employment of Dino Delsignore in accordance with Section 71 of Civil Service Law due to the fact he was not cleared to perform his job duties and responsibilities, effective immediately.

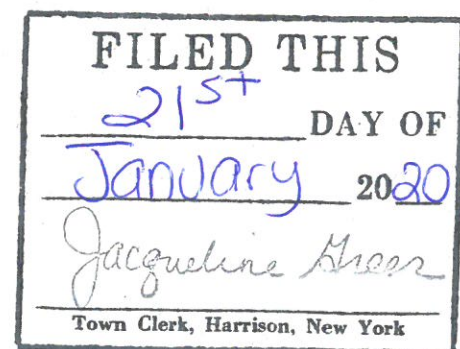
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager, Law Department, and Commissioner of Public Works.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader and Sciliano  
Supervisor Belmont

NAYS: None

ABSENT: None



January 16, 2020

2020 -059

AUTHORIZATION AND DIRECTION TO THE TOWN ATTORNEY TO APPOINT  
ABRAMS, FENSTERMAN, FENSTERMAN, EISMAN, FORMATO, FERRARA, WOLF &  
CARONE, LLP AS SPECIAL LEGAL COUNSEL

On motion of Councilman Gordon, seconded by Councilwoman Leader,

it was

RESOLVED to authorize and direct the Town Attorney to appoint Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP as special legal counsel with respect to a personnel matter as discussed in Executive Session in an amount not to exceed \$20,000.

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

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, Leader

NAYS: Councilman Sciliano  
Supervisor Belmont

ABSENT: None

There being no further matters to come before the Board, the Meeting was, on motion duly made and seconded, declared closed at 9:17 PM.

Respectfully submitted,

Jacqueline Greer  
Town Clerk

