

March 23, 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 March 23, 2017 at 7:00 PM Eastern Daylight Savings 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

Ed Detlefs Captain

Michael Amodeo Town Engineer

March 23, 2017

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APPOINTMENT OF DANIEL D. ANGIOLILLO AS TOWN JUSTICE

Supervisor Belmont explained his desire to nominate an individual for the vacant position of Harrison Town Justice. The Supervisor went on to explain the Town lost, quite suddenly, Joseph Cannella this past December and we are ready to fill that seat. We have a gentleman, Daniel Angiolillo, who lives in town and is excited about giving back to the community. He has been an Assistant DA for Westchester County, County Court Judge, Justice of the Supreme Court for the 9th Judicial District, Justice of the Appellate Supreme Court 9th and 10th District, Justice of the Appellate Division of the Supreme Court and Adjunct Professor of Law at Pace University.

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to appoint Honorable Daniel D. Angiolillo to fill the vacant position as Harrison Town Justice at an annual salary of \$64,421.00, effective April 17, 2017 which is the date when all administrative tasks will be completed for such that the Justice can fully discharge the responsibilities of the office to which he is appointed.

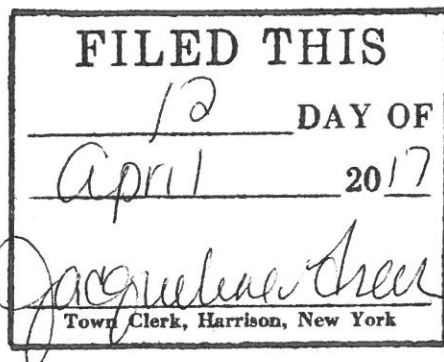
FURTHER RESOLVED to forward a copy of this Resolution to the Court Clerk, Personnel Manager and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



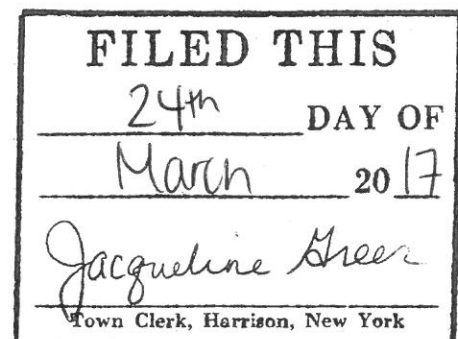
March 23, 2017

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CERTIFICATE OF ACHEIVEMENT PRESENTED TO ST. GREGORY THE
GREAT'S 3RD GRADE BOYS BASKETBALL TEAM FOR BECOMING
THE NYS ARCHDIOCESE CHAMPIONS

Supervisor Belmont presented Certificates of Achievement to St. Gregory the Great 3rd grade boys basketball team for becoming the New York State Archdiocese champions.

Head Coach, Mike McCoy
Assistant Coach, Anthony Mazzella
Assistant Coach, Raymond Fernandez
Matthew McCoy
Jack Mazzella
Raymond Fernandez
Ryan Ianniello
Evan Schwart
Eric Pirrello
Tyler Isbrandtsen
Jack Evangelista
Christain D'Onofrio

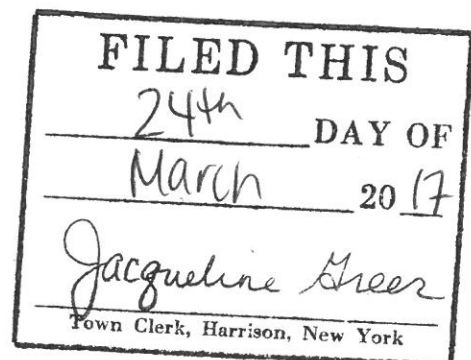


March 23, 2017

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PRESENTATION OF CHECK FOR THE HARRISON FOOD PANTRY
BY THE HARRISON ASSOCIATION OF TEACHERS

Harrison Association of Teachers, Jean McNeiss and Angela Ader, presented a check for \$4,000 to the Harrison Food Pantry. They explained they're proud to be a part of the community and the Teacher Association's makes it the highest priority to give back to the community where and when they can. The Association has a backpack project every summer that provides backpacks to 90 needy children. The Association is grateful for the work and efforts of the food pantry. The Harrison Association of Teachers presented a check for \$4000 to the food pantry.



March 23, 2017

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

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

RESOLVED to accept the following correspondence and reports:

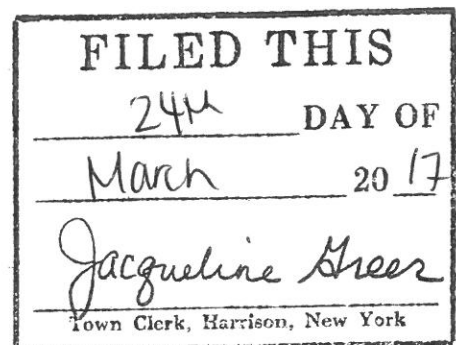
1. Monthly report by the Superintendent of Recreation for February 2017.
2. Monthly report by the Acting Building Inspector for February 2017.
3. Monthly report by the Acting Fire Marshal for February 2017.
4. Monthly report by the Chief of Police for February 2017.
5. Monthly report by the Town Clerk for February 2017.
6. Monthly report by the Commissioner of Public Works for January 2017.
7. Monthly report by the Commissioner of Public Works for February 2017.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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APPROVAL OF THE PROMOTION OF GAIL FROHLICH TO THE TITLE OF
OFFICE ASSISTANT AUTOMATED

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

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, to promote, Gail Frohlich, to the title of Office Assistant Automated (Certification # 0000024304), at the annual salary of \$48,586.00, effective immediately. Civil Service and CSEA Union Guideline have been followed.

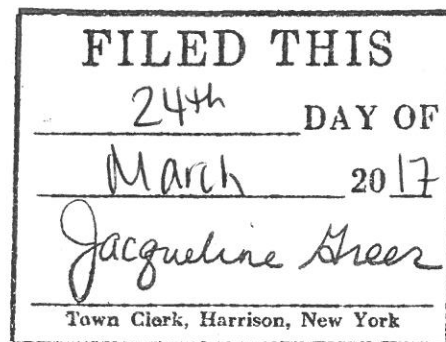
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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APPROVAL TO HIRE DIANA E. ATTILIO AS A
SEASONAL PART-TIME INTERMEDIATE CLERK

On motion of Councilman Malfitano, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, to hire Diana E. Attilio as a Seasonal, Part-time Intermediate Clerk, at an hourly rate of \$9.00, effective immediately.

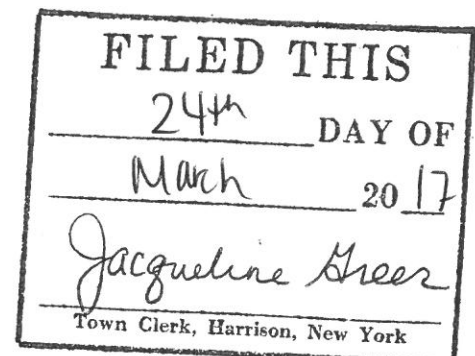
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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APPROVAL TO HIRE CLAUDIA BALBONI AS A PART-TIME LIBRARY CLERK

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

RESOLVED to accept the request by Library Director, Galina Chernykh, to hire Ms. Claudia Balboni as a part-time clerk at the library, at an hourly rate of \$11.00 with a work week not to exceed 17.5 hours, effective April 3, 2017.

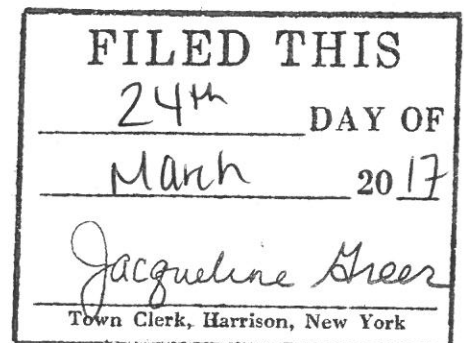
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager, Library Director and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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APPROVAL TO HIRE CHERI MORREALE AS A PART-TIME LIBRARIAN I

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

RESOLVED to accept the request by Library Director, Galina Chernykh, to hire Ms. Cheri Morreale as a part-time Librarian I, at an hourly rate of \$22.00, effective April 1, 2017 through June 10, 2017 due to an employee on an authorized leave of absence from her permanent position.

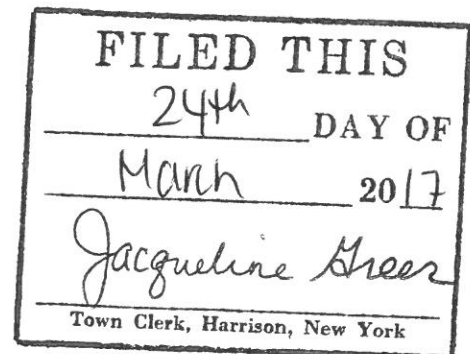
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager, Library Director and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

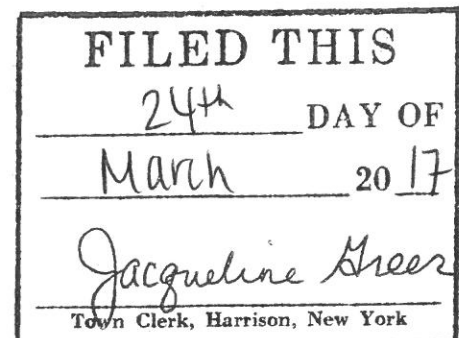


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AUTHORIZATION OF A BUDGET TRANSFER

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, for the following budget transfer:

To transfer available funds within the Police Dept. Social Security budget line to the Police Dept. Motor Vehicles line to cover the cost of the purchase of a vehicle from Fire District #1.

ABSENT: None



March 23, 2017

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AUTHORIZATION TO PURCHASE 2008 WHITE CHEVROLET TAHOE FROM
THE WEST HARRISON FIRE DEPARTMENT FIRE DISTRICT #1

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Chief of Police, Michael Olsey, for authorization to purchase the 2008 White Chevrolet Tahoe, Vehicle Vin #1GNFL088R248415 from the West Harrison Fire Department Fire District #1. The cost of the Chevrolet Tahoe is \$3,000 and the funds are available in the Motor Vehicle Budget Line Account #001-3120-100-0230.

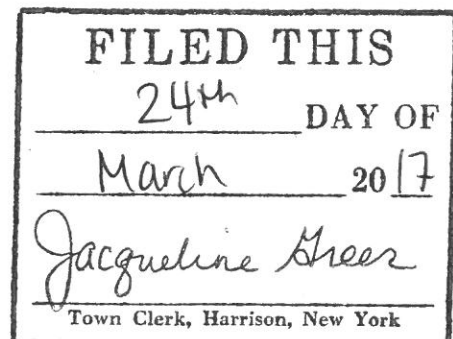
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Purchasing Department, and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION OF A 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 budget modification:

INCREASE:

001-1110-100-0250

JUSTICE COURT FIXED ASSETS

\$9,243

INCREASE:

001-0000-030-3019

JUSTICE COURT GRANT

\$9,243

To increase revenue and expense lines within the Justice Court Budget to record monies to be received from a Justice Court Grant. The grant was awarded for security related items, namely an additional counting/counterfeit detection machine, prisoner benches and a video camera.
line to cover the cost of the purchase of a vehicle from Fire District #1.

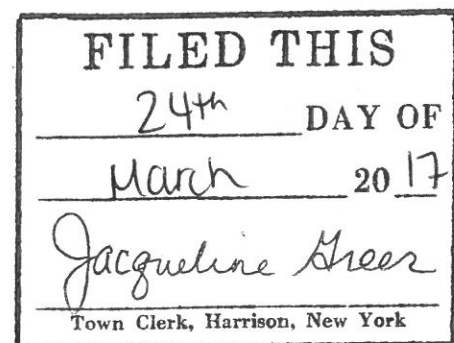
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION TO SCHEDULE A PUBLIC HEARING

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Seth Mandelbaum of McCullough, Goldberger, & Staudt, LLP, to schedule a public hearing regarding 106/108/110 Corporate Park Drive Petition for Zoning Amendment (Wegmans Food Market) for April 6, 2017.

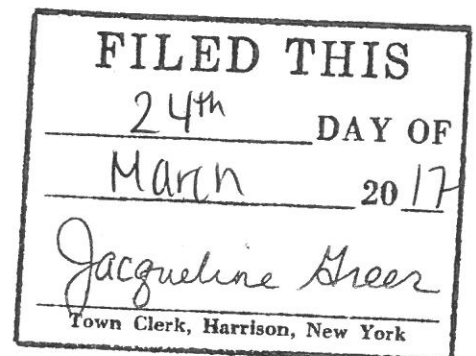
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and Seth Mandelbaum.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION TO SCHEDULE A PUBLIC HEARING

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Peter DiCostanzo to schedule a public hearing regarding a Special Exception Use Permit for 307 Halstead Ave, for April 6, 2017.

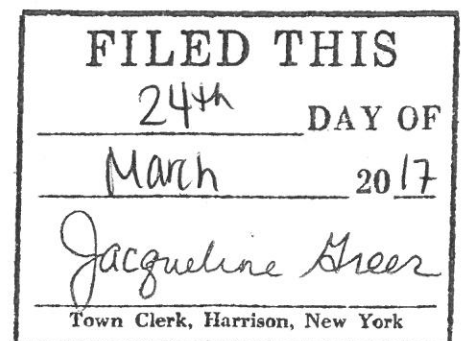
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and Peter DiCostanzo.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION TO ACCEPT A DONATION FOR THE HARRISON FOOD
PANTRY

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

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

\$2,000.00 from an anonymous donor
\$4,000.00 from the Harrison Association of Teachers
\$375.00 from the ShopRite Partners in Caring Grant
\$261.00 collected from a donation box at Pizza 2000

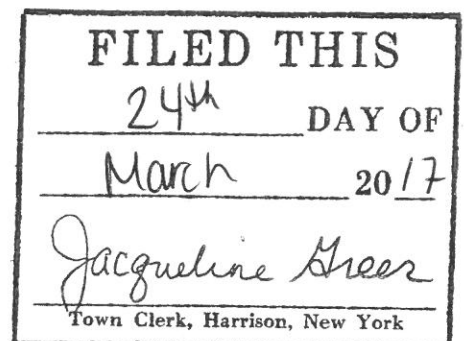
FURTHER RESOLVED to forward a copy of this Resolution to the Director of Community Services.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION TO ACCEPT A DONATION

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

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

\$1,000.00 from Dick's Sporting Goods

\$202.00 from an anonymous donor

\$5,000.00 from an anonymous donor

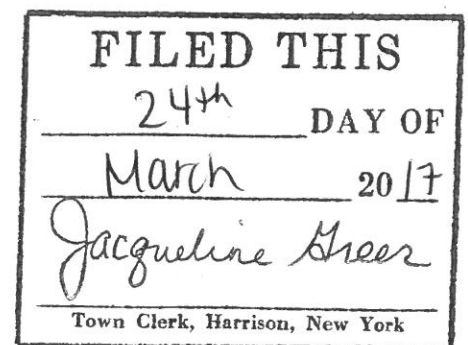
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Superintendent of Recreation.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION TO REGISTER ONE DEPARTMENT MEMBER FOR THE
NATIONAL CHILD PASSENGER SAFETY CERTIFICATION TRAINING COURSE

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Chief of Police, Michael Olsey, to register one Police department member for the National Child Passenger Safety Certification Training Course on April 19th through April 22nd 2017 in Thornwood, NY. This is a budgeted item, the total registration cost for this training is \$135.00.

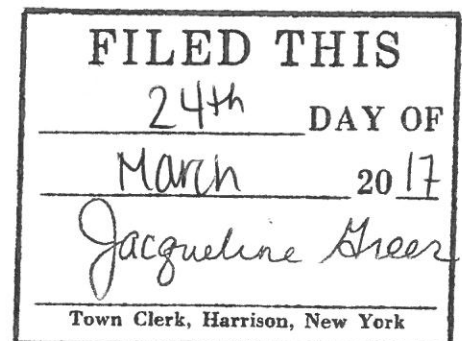
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION OF A BUDGET TRANSFER

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

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, for the following budget transfer:

INCREASE:

001-3620-100-0250 \$10,400
BUILDING DEPT. FIXED ASSETS

DECREASE:

001-3620-100-0102
BUILDING DEPT. SALARIES \$10,400

To transfer available funds within the Building Dept. Salaries budget line to the Building Dept. Fixed Assets budget line to cover the cost of the conversion of a mobile shelving system in the basement from an archive box system to a file type system for legal file folders. In addition, to add Datum fixed 4-post shelving on the wall.

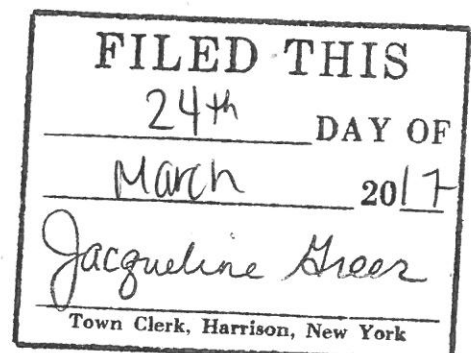
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION OF A SPECIAL EVENT PERMIT

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

RESOLVED to accept the request by the Building Inspector, Rocco Germani, on behalf of the Colon Cancer Challenge Foundation for approval of a Special Event Permit for their event at Manhattanville College on Sunday, April 30, 2017 from 10 AM – 2 PM.

FURTHER RESOLVED that the permit fee be waived.

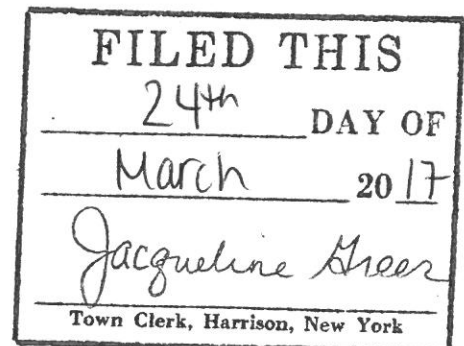
FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector and the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION TO AWARD A BID

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

RESOLVED to accept the request by the Purchasing Department to approve Fire Chief Frank Forgione's recommendation that the bid be awarded to East Coast Emergency Lighting, Inc. located at 200 Mecco Drive, Millstone Township, NJ 08535, at a total net bid price of \$16,830.15. Funding is available in Fire District #1's operating budget line, 010-3410-100-0230.

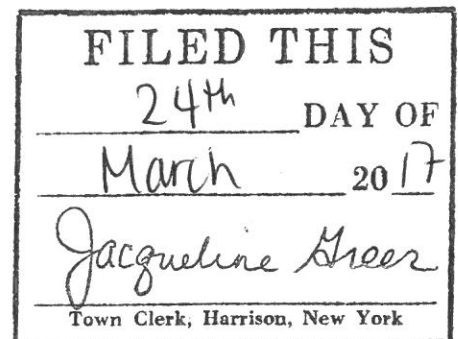
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Purchasing Department, and Fire Chief Frank Forgione.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION TO APPROVE PURCHASE ORDER #370808

On motion of Councilman Dionisio, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by the Purchasing Department to approve Purchase Order #370808, issued to East Coast Emergency Lighting, Inc. in the amount of \$16,830.15 for the conversion of a 2017 Chevrolet Tahoe SSV to an emergency command vehicle for Fire District #1. Funding is available in Fire District #1's operating budget line, 010-3410-100-0230.

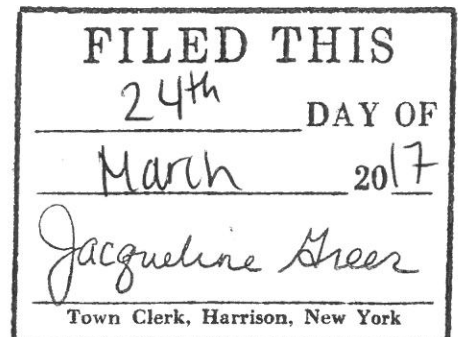
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Purchasing Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION OF AN EMERGENCY MEDICAL TRANSPORT AND
SERVICES AGREEMENT

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Village Attorney, Jonathan Kraut, for authorization of an Emergency Medical Transport and Services Agreement between Harrison E.M.S. and the Town of Harrison to provide Emergency Services in the Town of Harrison for the term of January 1, 2017 through December 31, 2017.

FURTHER RESOLVED to authorize the Supervisor to execute the Agreement.

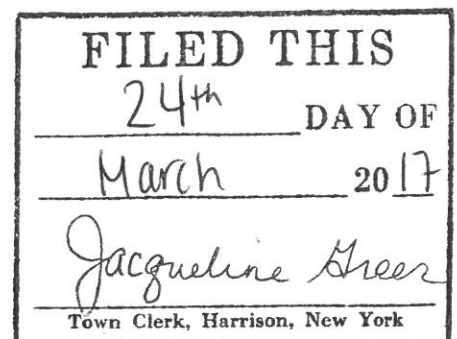
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION TO EXTEND THE CONTRACT WITH MILLENNIUM
STRATEGIES FOR 12 MONTHS AT A COST NOT TO EXCEED \$36,000

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, for authorization to extend the contract with Millennium Strategies for 12 months at a cost not to exceed \$36,000 to assist the Town in obtaining grant funding from various State, County and Federal organizations.

FURTHER RESOLVED for the Purchasing Department to increase the upset limit of Purchase Order #360993 by \$36,000. Funding for this contract is available in the Engineering Department Operating Budget, Special Services Line – 001-1440-100-0407.

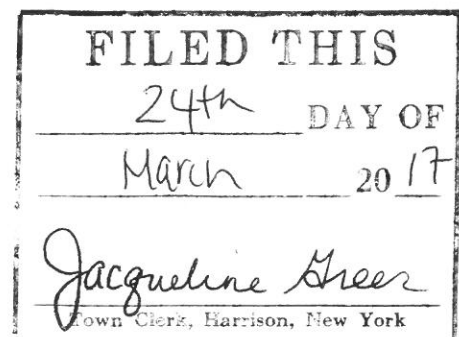
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Town Engineer and the Purchasing Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION FOR A PROFESSIONAL SERVICES CONTRACT WITH GHD
CONSULTING SERVICES AT A COST NOT TO EXCEED \$294,730

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, for authorization of a professional services contract with GHD Consulting Services at a cost not to exceed \$294,730.00 for services related to a Sanitary Sewer Evaluation Study. Funding for this contract is available within Town Fund Balance.

FURTHER RESOLVED for the Purchasing Department to issue a purchase order payable to GHD at a cost not to exceed \$294,730.00.

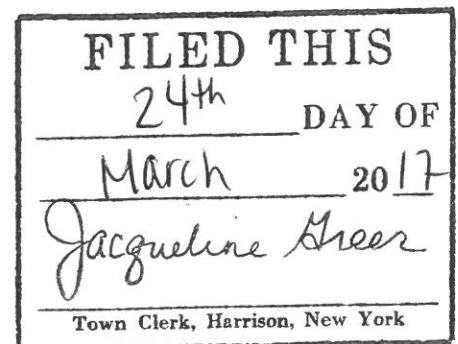
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Town Engineer and the Purchasing Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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AUTHORIZATION OF A BUDGET MODIFICATION

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

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, for the
following budget modification:

INCREASE:
001-0000-059-5999 \$295,000
TOWN APPROPRIATED FUND BALANCE

INCREASE:
001-1440-100-0407
ENGINEERIGN SPECIAL SERVICES \$295,000

To appropriate Town Fund Balance and transfer into the Engineer's budget
line to fund the cost of a professional services contract with GHD Consulting
Services Inc..

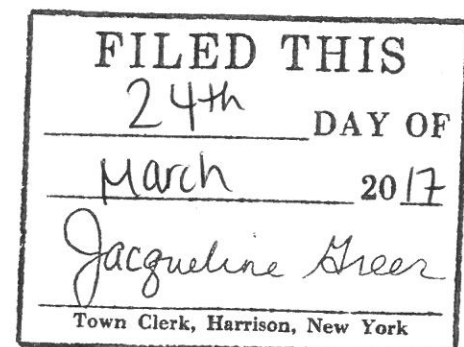
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

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CONTINUATION OF A PUBLIC HEARING RE: SPECIAL EXCEPTION USE
PERMIT FOR BRIGHTVIEW SENIOR LIVING, 600 LAKE STREET

On motion of Councilman Malfitano, seconded by Councilman Dionisio, the hearing was opened.

Councilman Sciliano asked to read a statement which he wanted as part of the Public Hearing record. It read the following: "I am an employee of LeChase Construction Services, LLC. I am aware that LeChase has previously entered into a joint venture agreement with Platinum Builders, LLC and the joint venture is called Platinum-LeChase, LLC. I am further aware that Platinum-LeChase is scheduled to do work on a Brightview project in Orangeburg, NY in Rockland County. I receive no pecuniary benefit, either directly or indirectly, as a result of the Platinum-LeChase, LLC joint venture agreement or for the particular project in Rockland County. My office has no involvement with that project."

Supervisor Belmont believed the Board had heard the cries of the audiences during the past public hearings. The Board went back to Brightview and explained those concerns. Brightview came back with some changes in their proposal. One change reduced the four stories down to three stories for a large part of the building. Where there are four stories the windows are part of the roof line so there really is no roof above the forth story. The applicant reduced the overall building height, the building now steps down as it goes to each side. The applicant reconfigured the design of the building in the rear and now there is a complete drive around for any emergency vehicles. The materials used on Lake Street is now going to be hardy plank which was suggested at the last hearing. They have done quite a bit and came back to us. The modifications from the rear property line went from 32 feet to 55 feet. The building height below the cliff ranges from 16 feet in some areas down to 36 feet below the height of the crest of the cliff and that is significant.

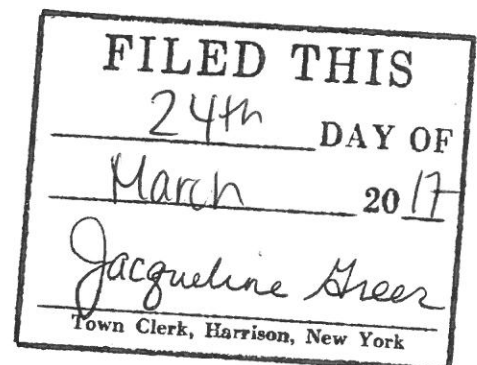
Councilman Malfitano believed that in listening to everyone, as the Mayor had mentioned, the Board thought this needed to be addressed fully and that there should be some changes proposed. He went on to say that the applicant was very willing to have open discussions. We focused on basically three areas, safety, height, and density. We asked the applicant to address those concerns. Earlier this week a final document was turned back around to all of us. They have addressed those concerns and are here tonight to present them.

James Ryan, Principal with JMC who are the planners, engineers, and landscape architects for the project suggested he would walk everyone through the changes to the project. We have made some significant changes relating to this project. Those changes were made as a direct result of input from the Town Board and from the public. We heard

March 23, 2017

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comments at the last public hearing on this matter and Brightview has always strived to be responsive to the concerns. We have done this throughout the process including the long process we went through at the Planning Board and the numerous public hearings we had there.





Site Planning	Environmental Studies
Civil Engineering	Entitlements
Landscape Architecture	Construction Services
Land Surveying	3D Visualization
Transportation Engineering	Laser Scanning

Memorandum

DATE: March 20, 2017

TO: Andrew Teeters, Shelter Development, LLC

FROM: Erik Anderson, JAL Architecture & Engineering, P.C.
James Ryan, JMC PLLC

RE: JMC Project 14182
Brightview Senior Living
600 Lake Street
Town/Village of Harrison, NY

SUBJECT: **Proposed Changes to Project Architecture and Site Plans**

The following is a list of the major project architecture and site plan changes that are a result of reconfiguring the building to provide for a full access road around the building:

A. Potential Architectural Changes

1. Reduced a 4-story portion of the building to 3 stories
2. Modified the elevations to build the 4th story into the roof
 - i. Providing dormer windows and gables
3. Reduced overall building height
 - i. 1.5 ft up to 8 ft
4. Building height "steps down" on the north and south sides
5. Eliminated the "glassy" building connections (looked institutional/hotel-like) and replaced these elements with a residential style design (dormer windows, siding)
6. Reduction in total number of units to 148
7. Siding along Lake Street to be cementitious siding (e.g. Hardie Plank)

B. Potential Site Plan Changes

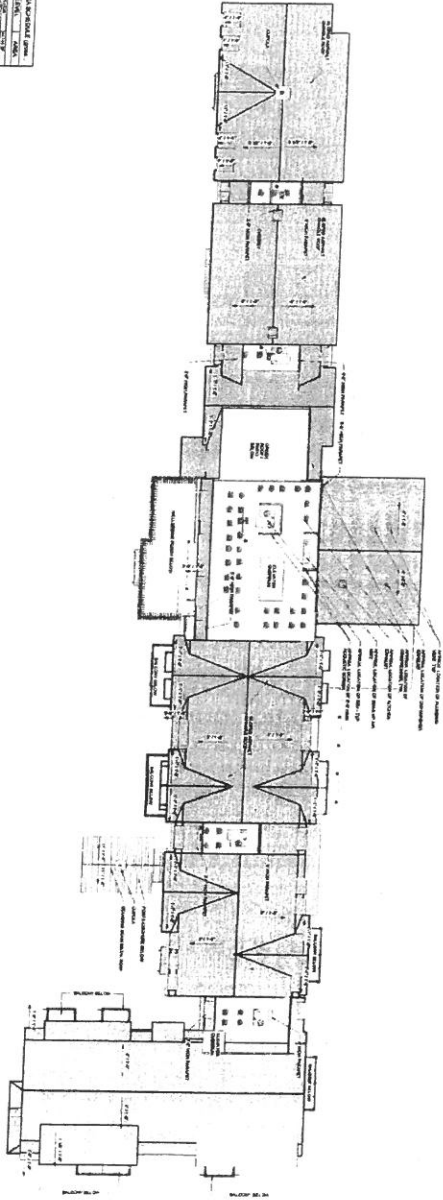
1. The modification increases building setback from rear property line from 32.6 ft. to 55.6 ft., an increased rear building setback of 23 feet.
2. Lessens excavation into existing rock slope by 30 feet to the rear of the building and 25 feet to the north of the building.
 - i. Reduces rock slope excavation by approximately 33% (20,000 cy)
 - ii. Reduction of excavation results in approximately 1,500 less truck trips handling excavated material.
3. Reduces area impacted along existing top of rock slope from approximately 200 linear feet to approximately 70 linear feet.
4. The reduced impacts on the rear rock slope, greatly decreases the potential need for blasting. It is highly likely that rock slopes can be machine drilled and blasting will be unnecessary.
5. The access road around building increases circulation for potential Emergency Vehicles which can be maintained during all weather conditions.
6. Allowing traffic circulation around building reduces traffic having to travel on Lake Street.
7. The reconfigured building eliminates the Well Spring Garden previously located in the front yard to the third floor of the building, creating a less congested feel along Lake Street and provides additional room for increased landscaping/buffering.

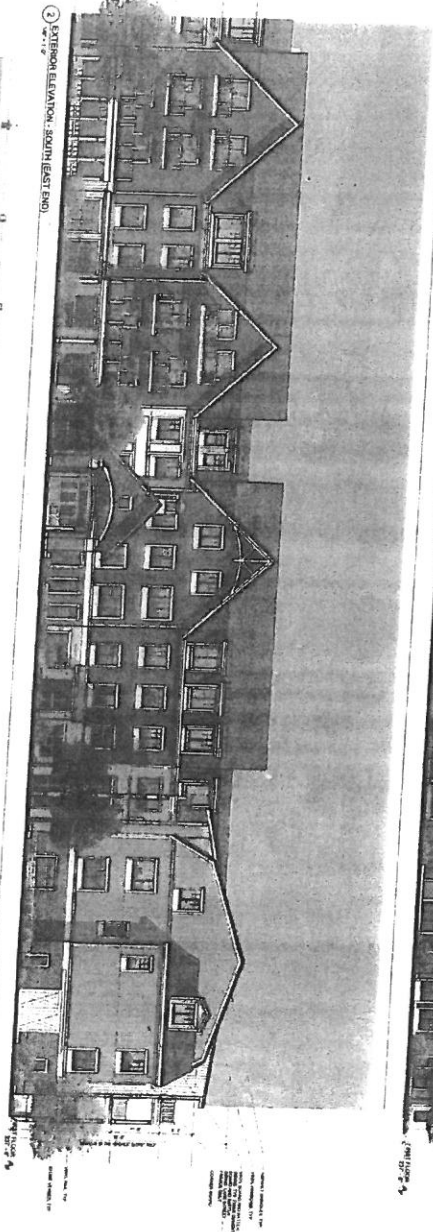
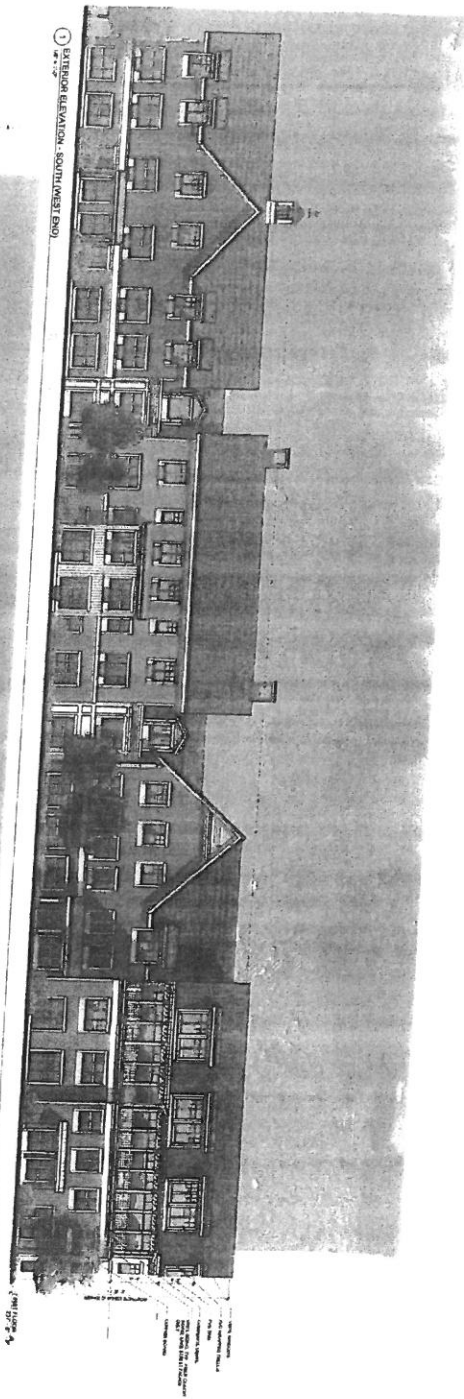
HARRISON
BRIGHTVIEW
3-BEDROOM LIVING

NOOT PLAN



FLOOR PLAN SCHEDULE		AREA SCHEDULE	
NO.	DESCRIPTION	AREA	NO.
1	1st FLOOR	1,200	1
2	2nd FLOOR	1,200	2
3	3rd FLOOR	1,200	3
4	4th FLOOR	1,200	4
5	5th FLOOR	1,200	5
6	6th FLOOR	1,200	6
7	7th FLOOR	1,200	7
8	8th FLOOR	1,200	8
9	9th FLOOR	1,200	9
10	10th FLOOR	1,200	10
11	11th FLOOR	1,200	11
12	12th FLOOR	1,200	12
13	13th FLOOR	1,200	13
14	14th FLOOR	1,200	14
15	15th FLOOR	1,200	15
16	16th FLOOR	1,200	16
17	17th FLOOR	1,200	17
18	18th FLOOR	1,200	18
19	19th FLOOR	1,200	19
20	20th FLOOR	1,200	20
21	21st FLOOR	1,200	21
22	22nd FLOOR	1,200	22
23	23rd FLOOR	1,200	23
24	24th FLOOR	1,200	24
25	25th FLOOR	1,200	25
26	26th FLOOR	1,200	26
27	27th FLOOR	1,200	27
28	28th FLOOR	1,200	28
29	29th FLOOR	1,200	29
30	30th FLOOR	1,200	30
31	31st FLOOR	1,200	31
32	32nd FLOOR	1,200	32
33	33rd FLOOR	1,200	33
34	34th FLOOR	1,200	34
35	35th FLOOR	1,200	35
36	36th FLOOR	1,200	36
37	37th FLOOR	1,200	37
38	38th FLOOR	1,200	38
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42	42nd FLOOR	1,200	42
43	43rd FLOOR	1,200	43
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100	100th FLOOR	1,200	100

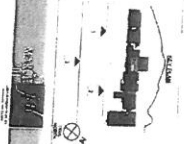




HARRISON
BRIGHTVIEW
SENIOR LIVING

3 EXTERIOR ELEVATION - OVERALL

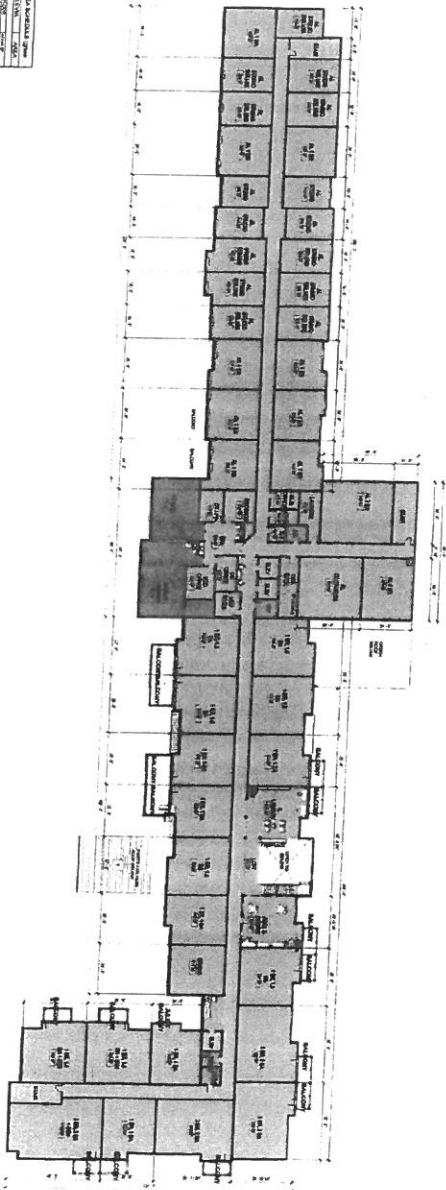
EXTERIOR ELEVATION



EXTERIOR ELEVATION COMPARISON



UNIT SCHEDULE		TOTAL SCHEDULED UNIT	
UNIT TYPE	UNIT COUNT	1-BED	2-BED
1-BED	10	10	0
2-BED	10	0	10
TOTAL	20	10	10

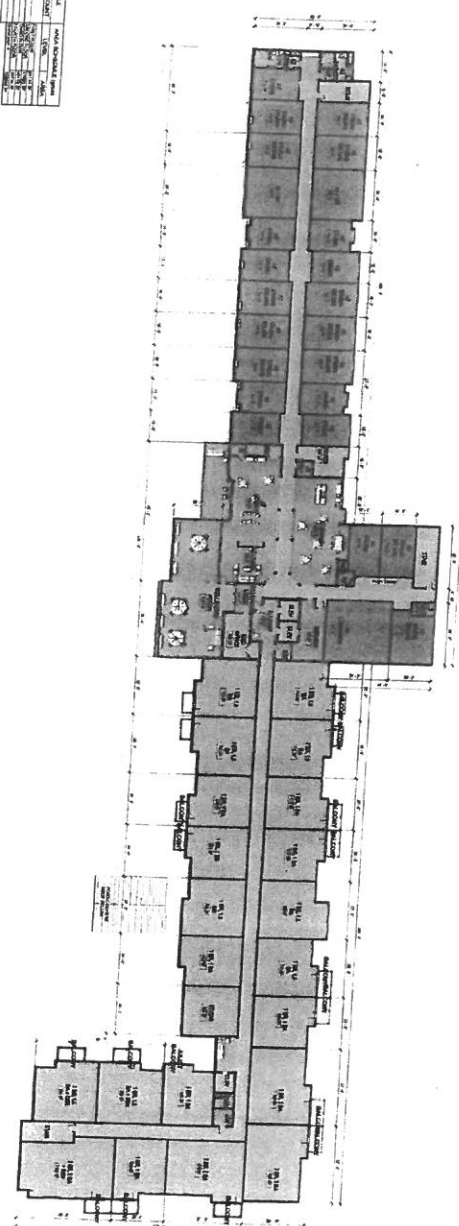


HARRISON
BRIGHT VIEW
SENIOR LIVING

SECTION FOR PLAN



UNIT INFORMATION		UNIT TYPE	
UNIT NO.	UNIT TYPE	UNIT NO.	UNIT TYPE
101	1 BR	102	1 BR
103	1 BR	104	1 BR
105	1 BR	106	1 BR
107	1 BR	108	1 BR
109	1 BR	110	1 BR
111	1 BR	112	1 BR
113	1 BR	114	1 BR
115	1 BR	116	1 BR
117	1 BR	118	1 BR
119	1 BR	120	1 BR
121	1 BR	122	1 BR
123	1 BR	124	1 BR
125	1 BR	126	1 BR
127	1 BR	128	1 BR
129	1 BR	130	1 BR
131	1 BR	132	1 BR
133	1 BR	134	1 BR
135	1 BR	136	1 BR
137	1 BR	138	1 BR
139	1 BR	140	1 BR
141	1 BR	142	1 BR
143	1 BR	144	1 BR
145	1 BR	146	1 BR
147	1 BR	148	1 BR
149	1 BR	150	1 BR
151	1 BR	152	1 BR
153	1 BR	154	1 BR
155	1 BR	156	1 BR
157	1 BR	158	1 BR
159	1 BR	160	1 BR
161	1 BR	162	1 BR
163	1 BR	164	1 BR
165	1 BR	166	1 BR
167	1 BR	168	1 BR
169	1 BR	170	1 BR
171	1 BR	172	1 BR
173	1 BR	174	1 BR
175	1 BR	176	1 BR
177	1 BR	178	1 BR
179	1 BR	180	1 BR
181	1 BR	182	1 BR
183	1 BR	184	1 BR
185	1 BR	186	1 BR
187	1 BR	188	1 BR
189	1 BR	190	1 BR
191	1 BR	192	1 BR
193	1 BR	194	1 BR
195	1 BR	196	1 BR
197	1 BR	198	1 BR
199	1 BR	200	1 BR



HARRISON
BRIGHTVIEW
SENIOR LIVING

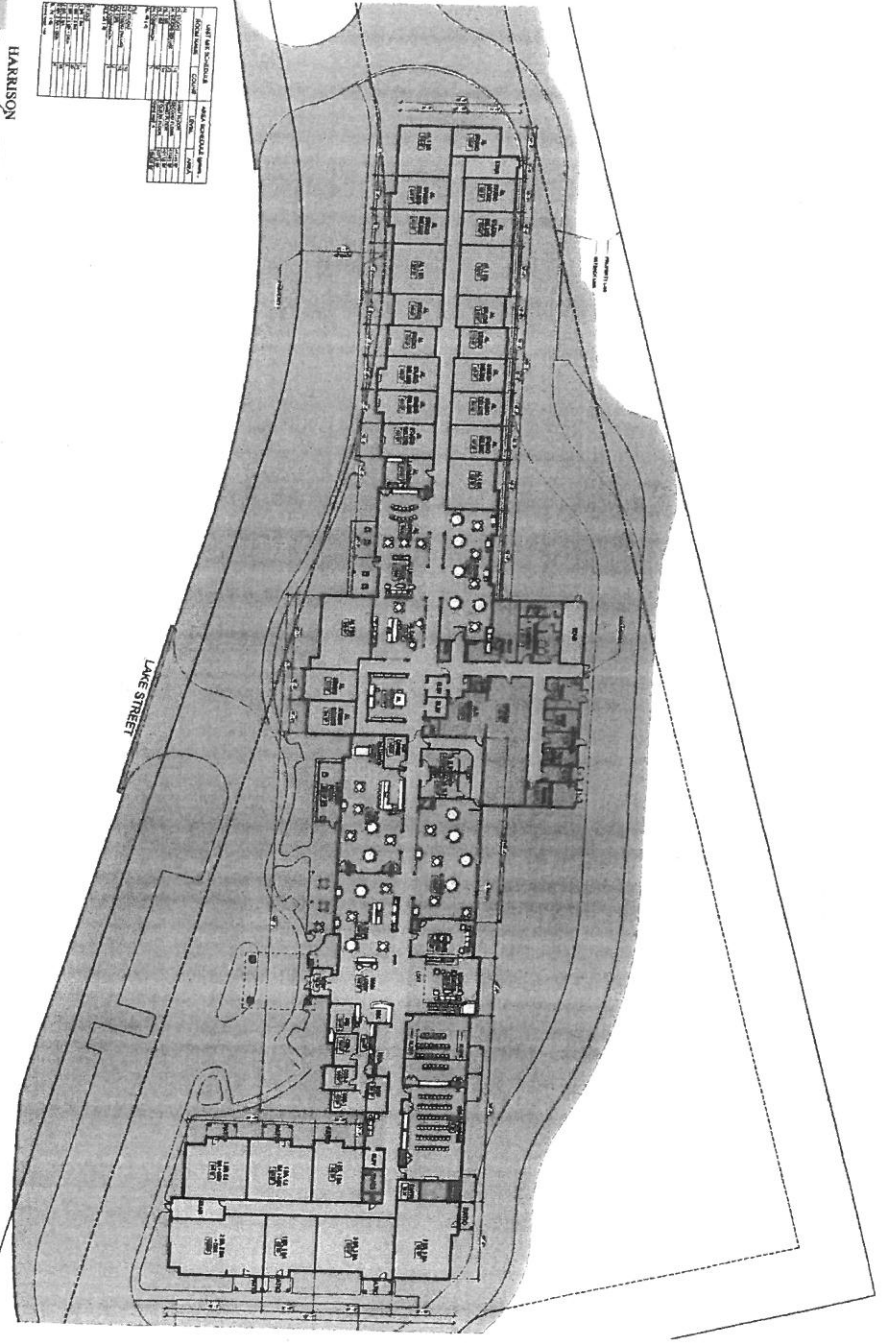
THIRD FLOOR PLAN



UNIT DATA SUMMARY		AREA DEVELOPMENT DATA	
UNIT NO.	UNIT TYPE	UNIT TYPE	UNIT TYPE
101	101	101	101
102	102	102	102
103	103	103	103
104	104	104	104
105	105	105	105
106	106	106	106
107	107	107	107
108	108	108	108
109	109	109	109
110	110	110	110
111	111	111	111
112	112	112	112
113	113	113	113
114	114	114	114
115	115	115	115
116	116	116	116
117	117	117	117
118	118	118	118
119	119	119	119
120	120	120	120
121	121	121	121
122	122	122	122
123	123	123	123
124	124	124	124
125	125	125	125
126	126	126	126
127	127	127	127
128	128	128	128
129	129	129	129
130	130	130	130
131	131	131	131
132	132	132	132
133	133	133	133
134	134	134	134
135	135	135	135
136	136	136	136
137	137	137	137
138	138	138	138
139	139	139	139
140	140	140	140
141	141	141	141
142	142	142	142
143	143	143	143
144	144	144	144
145	145	145	145
146	146	146	146
147	147	147	147
148	148	148	148
149	149	149	149
150	150	150	150
151	151	151	151
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191	191	191	191
192	192	192	192
193	193	193	193
194	194	194	194
195	195	195	195
196	196	196	196
197	197	197	197
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199	199	199	199
200	200	200	200

HARRISON
BRIGHTVIEW
SENIOR LIVING

FIRST FLOOR PLAN



PSP-4A

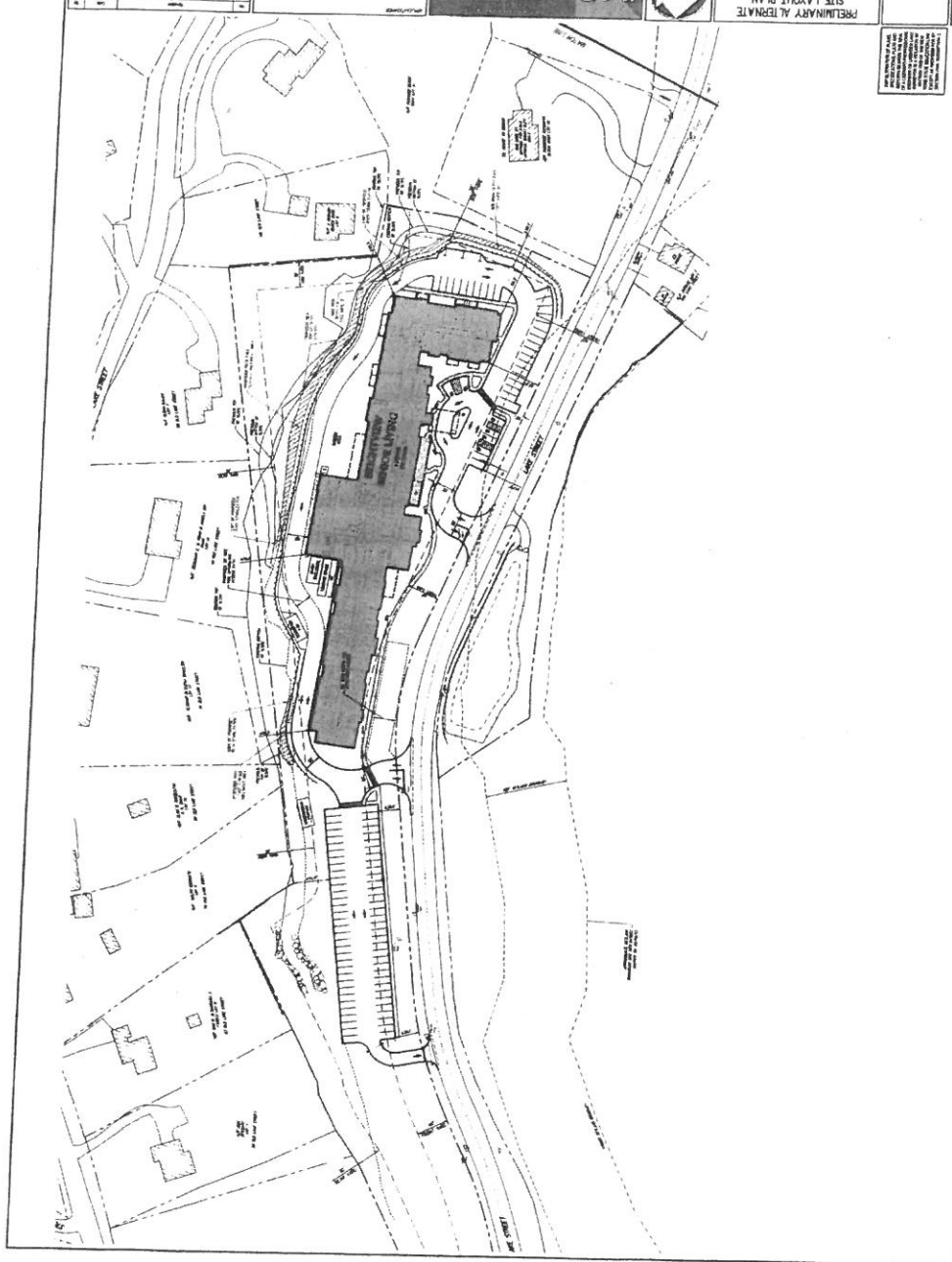
THIS PLAN IS A PRELIMINARY ALTERNATE SITE LAYOUT PLAN FOR THE PROPOSED SENIOR LIVING HARRISON. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE DESIGNER.

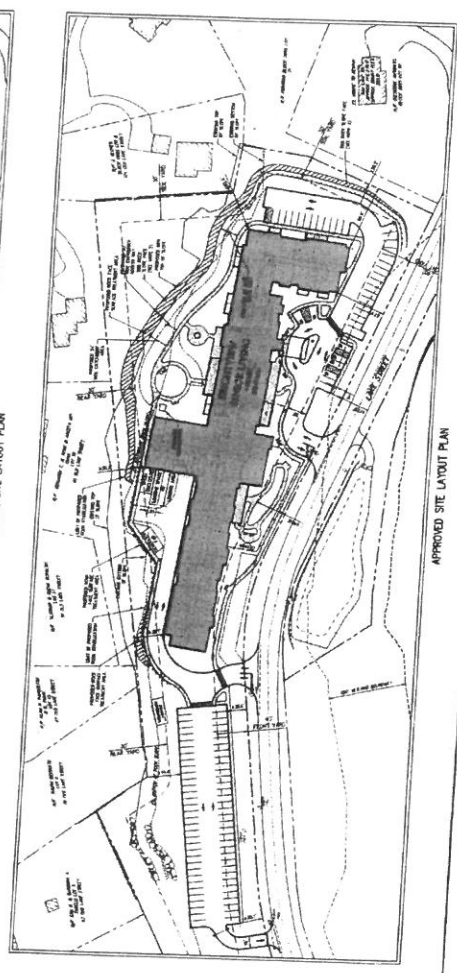
PRELIMINARY ALTERNATE
SITE LAYOUT PLAN
BRIGHTVIEW SENIOR LIVING HARRISON
DESIGNED BY JMC
2010 M. HARRISON, WY 10038



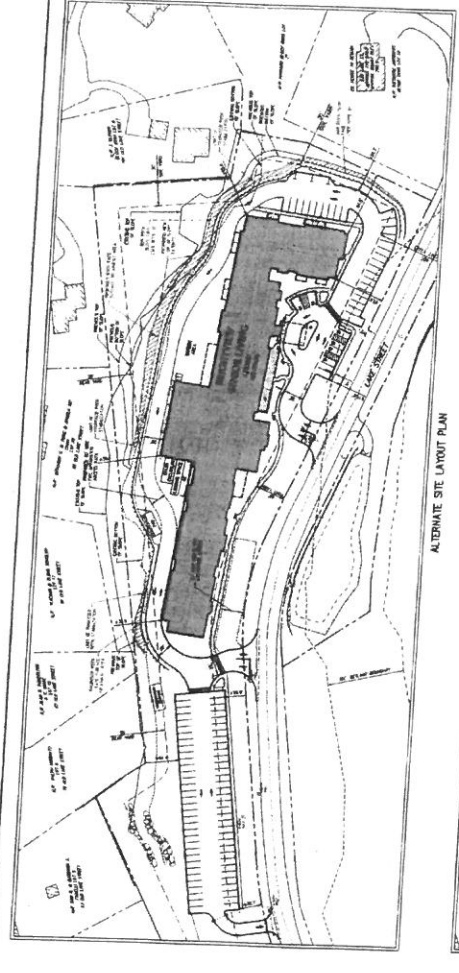
SHELTER DEVELOPMENT, LLC
2110 N. SHAWNEE STREET, SUITE 200
BETHESDA, MD 20814

NO.	DATE	REVISION
1	10/1/10	ISSUED FOR PERMITTING





APPROVED SITE LAYOUT PLAN



ALTERNATE SITE LAYOUT PLAN

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Harrison resident Steve Surace declared that he appreciated that the applicant put the fire lane around the building. Mr. Surace doubts the Building Inspector is qualified to do the duties of a Fire Marshal. Mr. Surace submitted to the Board opinions of the New York State Attorney General on the Building Inspector holding two positions such as an Acting Fire Marshal. He submitted an email addressed to himself from the County. It stated that the Fire Inspector cannot work under the supervision of the Building Inspector; they both can't do the same job. He didn't believe that the town Building Inspector should be reviewing fire plans or doing fire inspections. Mr. Surace asked the Board if there was a letter from the West Harrison Fire Chief signing off on the proposed project. He doesn't believe that there is a letter. Mr. Surace drew a diagram and submitted copies to the Board showing the tower ladder in different positions in the fire lane and he said there are portions of the building it would not reach. Mr. Surace said the Purchase Fire Department is an automatic dual response. He believed that the applicant hasn't addressed anything with the Purchase Fire Department.

Councilman Malfitano asked the applicant if they were satisfied that what you have designed is compliant and if they are would they be willing to subject this to a review by a competent capable Fire Marshal who happens not to be the Building Inspector of the Town-Village of Harrison.

Councilman Malfitano asked Mr. Teeters from Shelter Development if their obligation is to build this in accordance with New York State Building Code and Fire Code and subjecting this to a review of a qualified Fire Marshal. That will be a final condition.

Mr. Teeters from Shelter Development answered absolutely. This is not the first building they have built in Westchester County. We are aware of all the code requirements.

Councilwoman Amelio said there seems to be a disconnect. I realize this is preliminary but safety shouldn't be the last thing we are looking at.

Harrison resident Nick Cararra said that Brightview made it clear that they want to maximize their return on investment. They are pushing the limits on this project in every way. We wouldn't be talking about the setbacks for fire vehicles if they just built a structure that fits on six acres.

Harrison resident Michael Daher read verbatim from the 2011 Stipulation Agreement. "Within one hundred twenty days after the execution of this Agreement, the Property Owner, its agents, nominees, designees or any contract vendee will make all best efforts to submit an application to the Town of Harrison Planning Board and Town Board of Harrison and will thereafter or in conjunction therewith provide and submit all necessary and customary applications, fees, reports and information in order to obtain final approval

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(which shall include SEQRA, a Zoning Text Amendment to allow said use, Special Exception Use Approval and Site Plan Approval) from the Planning Board and the Town Board for the use of the Premises for a senior living facility. Such senior facility shall be defined as to include, but not be limited to, assisted living, independent living, memory care typically provided to senior residents, together with that sufficient parking as is deemed appropriate by the Town for the use and as depicted in the annexed drawing LS-2 prepared by John Meyer Consulting, dated 10/28/2014, marked Exhibit "A". The number of units to be permitted shall be subject to the discretion of the Town Board and the Planning Board, and shall be suitable for no more than 185 units nor less than 150 units."

Mr. Daher stated there have been many discussions on what happened in the past. Mr. Surace said he submitted a letter regarding the fire code 2 years ago. It is clear to him that the carriage has been put in front of the horse the entire time. This may not have to do specifically with the site plan but it goes a long way to show the objectiveness of the Town Board and the previous Boards that have reviewed this site plan. In the event there is an appeal of this Mr. Daher wanted this part of the stipulation to be part of the record.

Harrison resident Robert Porto feels this project will lower the value of homes in the neighborhood.

Harrison resident Chris Hughes suggested the professionals missed significant issues. The residents brought forth extremely important concerns that have been overlooked. She believed the Planning Board made a major mistake by not doing a full Environmental Impact Review. Permitting a commercial establishment in a semi-rural residential area is an invasion that will change the character of the area forever.

Harrison resident Audrey Richio voiced her concerns with regard to the traffic and speeding on Lake Street and was concerned the road is too narrow.

Harrison resident Anthony Grgus feels this project will change the character of the neighborhood and has concerns with site, sounds and smells this project would create.

Harrison resident Kevin Malloy had concerns with safety. He was specifically concerned with the width of Lake Street.

Harrison resident Sam Hossington considered the building to be massive. He firmly believed it doesn't belong in our residential community. He continued to speak about the zoning amendment and R1 zoning. He believed the zoning amendment does not apply to this property and the project should not proceed. He opined the building will not be safe.

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Harrison resident Lori Lisk spoke about her concerns with trucks going back and forth with rock and stone. She opined the building will be too big and doesn't make sense.

Harrison resident Jorge Golowasch asked the applicant how many units are vacant in existing facilities in the area. Mr. Golowasch wants it on the record that he is asking this question and it was not answered.

Harrison resident Catherine Langel explained she didn't understand the whole process and doesn't get a sense of what the Board is thinking. She suggested that there are unanswered questions like why was zoning amendment passed. She believed this is a bad location for the project and something smaller that fits the neighborhood should go there. She requested the Board to use their power to protect the community.

Harrison resident Vanessa Daher stated this project is too large and the property owner achieved what he wanted for the property specifically mentioning the number of units being built. Ms. Daher had questions on the noise levels and wants to know what the recourse would be once this is built.

Supervisor Belmont said they must meet the noise levels otherwise they will have to change the units.

Harrison resident Anthony Suozzo reviewed the Brightview website and said there are only two locations that come close to this property. If the Board examined the two properties, they would notice how much of a setback there is and how much room there is for the road that runs around the building for fire trucks and there is a lot of green space. He suggested this project is too big for this site.

Harrison resident Glenn Daher spoke about the changes made and said he still believes it to be a massive building and will have a major impact in our area. Mr. Daher discussed flames and if there was a fire, how high would the flames go and what would happen to the people on the ridge.

Councilman Malfitano replied that to address the issue there should be some understanding of what the fire suppression system of a building like this is capable of doing.

Harrison resident Glenn Daher asked the Board what will happen to the building if it doesn't get occupied and gets repurposed. Will it become an apartment building because Shelter Group owns apartment buildings too. Mr. Daher spoke about noise that the compressors on the roof, that run 24 hours a day every day, will make. He also had concerns about the smells from having a residential kitchen on the site. Mr. Daher

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asked Councilman Sciliano if he considered his position at his job as a conflict of interest.

Harrison resident Chris Hughes suggested that the issue of Councilman Sciliano be presented to the Town of Harrison Ethics Board.

Harrison resident Joseph Russo asked the Board how much more opposition they needed to know the people don't want this.

Harrison resident Sarah Lisk said she didn't think people got respect when they come to the microphone to be heard.

Harrison resident Joanna Fava spoke about her concerns of her property value if this project is built and if it gets repurposed. She said she would sell her house if this gets approved. She said the Board is our voice that is why we voted you in. Please listen to us and take our concerns into consideration.

Harrison resident Jennifer Spanna explained she was opposed to the project coming to her rural neighborhood. She also agreed with other residents in attendance that the Ethics Committee should be involved to make a determination if Councilman Sciliano should vote.

Erik Anderson from JMC Architecture & Engineering said the proposed building will have a NFPA 13 commercial grade fire suppression system. Every room in the building will have sprinkler heads. There will be firewalls and fire doors to prevent fires from spreading from one section to another; every stair, elevator shaft, every apartment, every floor system are all fire rated. The building will have a state of the art fire alarm system and there is an emergency generator to power all those life saving systems should there be an issue if the power was out.

Councilman Malfitano asked Erik Anderson from JMC Architecture & Engineering if he would respond to a statement that a resident made regarding what was described to us as a conflagration. Is that something that would happen with the fire suppression systems that exist; would that statement be realistic or not?

Erik Anderson from JMC Architecture & Engineering answered if the building complies with code it is going to be a safe building. New York State has adopted a new code in 2015 and it is very up to date.

David Steinmetz from the law firm Zarin and Steinmetz said his client has no objection to this building being judged, reviewed, analyzed, and approved by this Town and your

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Building Department the way you do every other building. I feel because this is a legal hearing on behalf of my client I need to make the record clear. I want to remind the Board that you are here for a specific legal task which is confirmation of a Special Exception Use Permit. That permit has already been issued by the Planning Board. A comment was made that this project did not comply with the Special Use Permits that you adopted. An argument was raised that you entered into a stipulation that was improper. That argument was raised in litigation and reviewed by the Judge and the stipulation was reviewed and verified by the court and the stipulation was upheld as a lawful act. An argument was made that this matter should have been subject to a full environmental review, this was litigated in court and rejected by the judge. I want to respond to the statement that fire issues were coming up at the last second. This Board, your professional staff, your Planning Consultant, your Town Attorney, your Building Inspector and your Planning Board spent an awful lot of time examining public health, safety and general welfare. Your Planning Board adopted a resolution and this is what they said, the town fire department, town Building Inspector and Fire Marshal have reviewed the site plans and floor plans for this facility. The site plan has been revised several times to address comments by these departments and to increase and enhance opportunities to address access, circulation and emergency conditions. It has been determined that the project will fully comply with the New York State Building and Fire Code and safely provide for emergency conditions. In addition to your Special Use Permit your Planning Board went one step further. It says that all building improvements shall be designed in accordance with all New York State Building and Fire Code requirements.

Harrison resident Sam Hossington said that the legal challenge is not over and we have filed a Notice of Appeal.

Town Attorney Allegretti said that what you have before you is if there is a motion, to confirm the Special Exception Permit issued by the Planning Board as modified by the applicant and put forth in the public hearing tonight.

Councilman Malfitano said he would make the motion but subject to a review of a qualified Fire Code Inspector, someone other than our Building Inspector. Also the Special Exception Permit would be to comply with all the applicable laws, regulations and codes of the State of New York and the Town/Village of Harrison. I would like to include language that the applicant solicits the input of the Purchase Fire Department and have them conduct a complete review to their satisfaction.

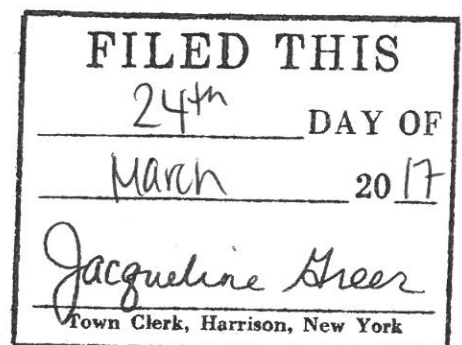
Councilman Sciliano seconded the motion.

Councilwoman Amelio voted no.

Councilman Dionisio voted no.

Supervisor Belmont said this quarry has been in existence for over 100 years. There is no one in the room of 100 years. I know some of the houses in the neighborhood are. It has been a problem for over 30 years. Many in the audience tonight came to this podium when I was first elected with tears in your eyes asking for us to shut down the quarry. We did that, it was closed. When you ask someone to give up their livelihood, their business, there has to be something they can replace it with. The applicant worked very hard to listen and answer your concerns. I say yes, I am in favor of this proposal.

On motion of Councilman Malfitano, seconded by Councilman Sciliano, the hearing was closed.



March 23, 2017

2017 - - 133 - - B

SPECIAL EXCEPTION USE PERMIT FOR BRIGHTVIEW SENIOR LIVING, 600
LAKE STREET

On motion of Councilman Malfitano, seconded by Councilman Sciliano,

it was

RESOLVED to confirm the Special Exception Use Permit issued by the Planning Board for Brightview Senior Living, 600 Lake Street, and as modified by the applicant.

FURTHER RESOLVED that this confirmation is subject to a review by a certified New York State Fire Marshal/Inspector who is independent from the Town-Village of Harrison. The final Special Exception Use Permit will be subject to the applicant complying with all the applicable laws, regulations and codes of the State of New York and the Town-Village of Harrison.

FURTHER RESOLVED that the applicant must solicit the input of the Purchase Fire Department and have them conduct a complete review to their satisfaction.

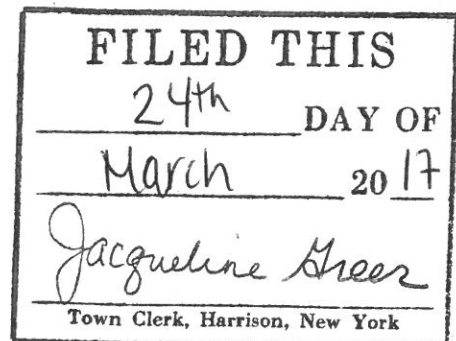
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, Building Inspector, and David Steinmetz at Zarrin & Steinmetz.

Adopted by the following vote:

AYES: Councilpersons Malfitano, and Sciliano
Supervisor Belmont

NAYS: Councilpersons Amelio, and Dionisio,

ABSENT: None



March 23, 2017

2017 - - 134 - - A

CONTINUATION OF A PUBLIC HEARING RE: PROPOSED LOCAL LAW NO. 1
OF 2017 TO AMEND CHAPTER 198 ENTITLED "SECONDHAND DEALERS"

On motion of Councilman Malfitano, seconded by Councilman Sciliano, the hearing was opened.

Town Attorney Allegretti said this was on the agenda last month and the Board wanted to review the law that was drafted; I got some limited comments back from the Board as to amendments and revisions that the Board wanted. I incorporated those comments and some from the public and specifically I added a provision about transferring licenses being a prohibited matter under the code now. I included in the code that businesses will now be covered rather than just person; so firms and entities in addition to person.

Harrison resident Frank Gordon said he spent a lot of time reviewing this amendment and did a lot of research. In the end a couple of typographical matters and one substituent matter of mine were taken. I really think this Board deserves better; I know I deserve better. I think something like this the law department should prepare a summary of the public comments that were received and then with respect to each particular comment make a recommendation to you as to whether it should be rejected, why it should be rejected, or should be accepted. Lay it out so that you can make a properly informed decision about each and every comment you received from the public.

Harrison resident Matt Benson said he wanted to second what Mr. Gordon said. Mr. Allegretti introduced this by saying he received limited comments; I think he actually received extensive comments, certainly from Mr. Gordon which are not reflected in the revisions proposed here tonight. There was no sense of what or why. I would ask, at a minimum, before this hearing is closed, that the law department spend some more time on a review on exactly what was accepted. You should share what the conclusions are.

Town Attorney Allegretti said I spent plenty of time on this. I share my advice with the Board.

Harrison resident Matt Benson said it appears that most of the revisions being made have corrected typographical errors and appear to be largely around fixing deficiencies in what's required to actually procure a license. It doesn't appear to me that they actually updated the substance of what a secondhand dealer ordinance should look like in 2017 versus one that was drafted 20 or 30 years ago. There was one comment in suggestions made by Mr. Gordon that the model around what a license for a secondhand dealer permit would look like and that it's modeled after an ordinance regarding licenses for cabarets. In that model it states that no license shall be refused except for good cause and for the protection of public safety, health, morals or general welfare. That language is absent from the amendments that you proposed here. Safety is an issue here.

March 23, 2017

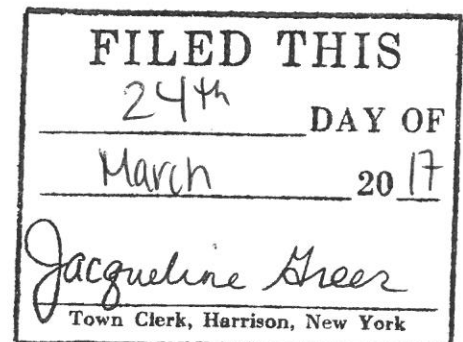
2017 - - 134 - - A (continued)

Supervisor Belmont said to Mr. Benson on your comment about what was left out, I had a lengthy discussion with both the Town Attorney and the Village Attorney and they felt it was not deemed necessary nor favorable to put it in the law.

Harrison resident Jimmi Pritchard asked the Board at the last meeting when we had the presentation from the woman from the Society Against Gun Violence she mentioned that she had access to a legal firm that would actually help us draft the laws. Have they taken a look at our new law or does it not apply?

Town Attorney Allegretti said this is not a gun law it is a Secondhand Dealer Law.

On motion of Councilman Malfitano, seconded by Councilman Dionisio, the hearing was closed.



March 23, 2017

2017 - - 134 - - B
LOCAL LAW NO. 1 OF 2017 TO AMEND CHAPTER 198 ENTITLED
"SECONDHAND DEALERS"

Local Law No. 1 of 2017

**To Amend Chapter 198 entitled "Secondhand Dealers" of
Code of Town of Harrison**

A Local Law to amend Chapter 198 entitled "Secondhand Dealers," of the Town
Code

of Town of Harrison as follows:

Section 198-1. Definitions.

DEALER IN SECONDHAND ARTICLES

Any person, firm or entity who in any way, as principal, broker or agent:

- A. Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to old gold or other precious metals, coins, stamps, currency, firearms, cameras, business machines, musical instruments, outboard motors or electronic equipment.
- B. Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.
- C. Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

§ 198-2. Exceptions.

Nothing contained in this chapter shall be construed to apply to:

- A. Automobiles, pianos, books, magazines, rugs, tapestries, artists' burlaps, paintings, sculpture, drawings, etchings and engravings.

- B. The first purchase or sale in the country of any imported secondhand article.
- C. The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as "new merchandise" or the first subsequent nonretail or exchange of such merchandise as "used merchandise."
- D. The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.
- E. The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.
- F. A thrift shop, as defined to be so classified under the United States Internal Revenue Code, entitled to an exemption as an eleemosynary corporation or institution.
- G. Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

§ 198-3. Burden of proving exception.

The burden of proof that an article or transaction complies with § 198-2 above shall be upon the person asserting the same. Evidence of an existing trade practice in the town, if any, shall be admissible for the purpose of determining whether or not merchandise is in new or used condition.

§ 198-4. License required.

No person shall act as a dealer in secondhand articles without first obtaining a license therefore, from the Town Clerk.

Section 198-5. Applications.

All persons seeking a license as herein provided shall file with the Town Clerk a sworn written application containing the following:

- A. The names, residences and ages of the applicants, if individuals or a firm or a partnership; and if a corporation, limited liability company, or other association, the names, ages and addresses of the principal officers, directors, members, manager or managers.
- B. The length of time each person mentioned in such application has resided in the Town of Harrison, if applicable, their place of previous employment, and whether or not he or she has ever been convicted of a misdemeanor or felony of any of the laws of the State of New York or any subdivision thereof and, if so, the offense of which he or she has been convicted, the date thereof and the court or jurisdiction in which such conviction occurred.
- C. The address or place where such secondhand dealer business is to be located or conducted.
- D. Whether the applicant or applicants or manager had, either alone or with someone else, previously engaged as owner or employee in conducting a secondhand dealer business, when and where and how long.
- E. The name and address of the person owning the premises for which a license is sought.

§ 198-6. Investigation and report.

The Town Clerk shall refer such application to the Chief of Police, and any other official or any other person designated by the Chief of Police, 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 secondhand dealer business complies with all regulations, ordinances and laws applicable thereto. The report of such Chief of Police, or designee, shall be in writing and shall be submitted to the Town Clerk with a recommendation to grant or refuse said license.

§ 198-7. Issuance or refusal; appeals.

- A. No license shall be issued unless and until it shall be found that all of the persons named in the application are of good moral character; that the

proposed secondhand dealer business complies with and conforms to all ordinances, health and fire regulations and other laws applicable thereto.

- B. Any applicant who has been refused a license by the Town Clerk may appeal to the Town Board therefor, and the same may be granted or refused by the Board except as prohibited herein.

§ 198-8. License; expiration.

- A. Upon compliance with the terms of this chapter by the applicant or applicants, the Town Clerk, upon payment of the licensee fee herein fixed, shall issue to the applicant a license to conduct and maintain a secondhand dealer business in the location applied for during the term and in accordance with the other provisions of this chapter.
- B. Licenses shall expire on the 31st day of December at 12:00 midnight following the dates of issuance thereof.

§ 198-9. License; fee.

The license fee shall be as set forth in the most current resolution of the Town Board fixing the fee pursuant to §137-1 of the Town Code, and said sum is hereby determined to be the reasonable cost to the Town for the investigation of the application, the issuance and recording of the license and the subsequent supervision of the premises as herein provided.

§ 198-10. Posting of license.

Every person licensed in accordance with the provisions of this chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the premises mentioned in the application for such license.

§ 198- 11. Restrictions.

- A. It shall be unlawful for any dealer in secondhand articles to engage in selling activities at any place other than the place of business in such license.
- B. It shall be unlawful for any dealer in secondhand articles to purchase any secondhand goods or things from any persons whom he knows to be or has reason to believe is a minor.

§ 198-12. Labeling merchandise.

Every person licensed as a dealer in secondhand articles who also sells new articles within the licensed premises shall label all new articles in such manner that the public will be informed as to whether any particular article is new or secondhand.

§ 198-13. Lost or stolen property.

- A. If any articles shall be advertised in any newspaper circulated in the County of Westchester as having been lost or stolen and if any goods or articles answering such advertised description or any part thereof shall be in or come into the possession of any dealer in secondhand articles, upon receiving actual written or oral notice of the similarity of description of such articles, such dealer shall immediately convey all of the information in his possession relating thereto to the Chief of Police or his agent. No disposition of such articles shall be effected until authorization to do so shall be given to such dealer by the Chief of Police or his authorized agent. A dealer in secondhand articles, when notified by the Chief of Police or his agent that property in his possession is stolen or alleged to be stolen, shall take immediate steps to secure the property, and it shall be marked "police stop." Thereafter, such property shall not be sold or removed from the premises until notification is made to the dealer, in writing, by the Chief of Police or his agent, allowing such removal or sale.
- B. Every dealer in secondhand articles who shall have or receive any articles alleged or supposed to have been lost or stolen shall exhibit the same, on demand, to the Chief of Police or any authorized inspector of licenses, to any police officer or to any person duly authorized in writing by the Chief of Police to examine such articles, who shall exhibit such written authority to the dealer.

§ 198-14. Records; inspections.

- A. Every dealer in secondhand articles shall keep a bound book, in a form prescribed by the Chief of Police, of consecutively numbered transactions, in which shall be legibly written in English, at the time of every purchase or sale to or from a person other than a licensed dealer in secondhand articles, a description of every secondhand article so purchased or sold; the number or numbers and any monograms, inscriptions or other marks of identification that may appear on such article; the name, residence and business address, if any, of the person from whom such purchase was made or to whom such sale was made; and the day and hour of the purchase or sale.
- B. Every dealer in secondhand articles who receives secondhand articles on consignment shall, in addition to Subsection A above, keep a record, in the

above-prescribed book, describing the articles and the name and description of the person or dealer from whom such items are received.

- C. As between secondhand dealers, all transactions shall be recorded in the above-prescribed book, and legible records shall be kept describing each article in detail.
- D. Such books shall be kept on the business premises of the secondhand dealership or at the place designated on the duly approved license at all times during normal business hours. Such books shall be open to the inspection of the Chief of Police, any police officer, any inspector of licenses and any person duly authorized, in writing, for such purposes by the Chief of Police, who shall exhibit such written authority to the dealer.
- E. Duly licensed dealers in antique articles shall keep a record of bulk purchases in the bound book, noting the invoice number on each bulk purchase. All identifiable secondhand articles which are part of the bulk purchase shall be entered individually in the ledger book and reported individually to the Chief of Police within 72 hours after such bulk purchase.
- F. Every dealer in secondhand articles shall make available all business premises and any and all rooms or portions of rooms of the secondhand dealership at all times during normal business hours and all articles therein pertaining to said business for inspection by the Chief of Police, any police officer, any inspector of licenses and any person duly authorized, in writing, for such purposes by the Chief of Police, who shall exhibit such written authority to the dealer.
- G. In addition to the bound book described in Subsection A above, every secondhand dealer shall legibly provide, in English, upon forms provided by the Police Department, all the information required in said Subsection A above. Such forms shall be completed by the dealer on a daily basis and delivered to the Police Department upon request.

§ 198-15. Identification of persons from whom purchases are made.

- A. It shall be the duty of every secondhand dealer to verify the identity of each person from whom he purchases any article to make and keep a written record of the nature of the evidence submitted by such person to prove his identity.
- B. Only the following shall be deemed acceptable evidence of identity; any official document, except a social security account number card, issued by the United States government, any state, county, municipality or subdivision thereof, any public agency or department thereof or any public

or private employer, which requires and bears the signature of the person to whom issued.

- C. It shall be the duty of every dealer in secondhand articles to require that each person from whom an article is purchased sign his name in the presence of the secondhand dealer and to compare the signature with the signature on the identifying document and retain on his premises the person's signature, together with the number and description of the identifying document.

§ 198-16. Penalties for offenses.

Any person violating any of the provisions of this chapter shall, upon conviction, be punishable by a fine not to exceed \$1,000 or by imprisonment for a term not to exceed 15 days, or both.

§ 198-17. Transfer of license prohibited.

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

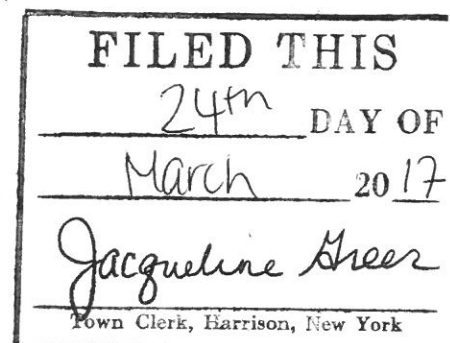
This Law shall take effect immediately upon filing with the Secretary of the State of New York.

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

Mayor Belmont	VOTING AYE
Trustee Amelio	VOTING AYE
Trustee Malfitano	VOTING AYE
Trustee Sciliano	VOTING AYE
Trustee Dionisio	VOTING AYE

The resolution was thereupon declared duly adopted.

* * * * *

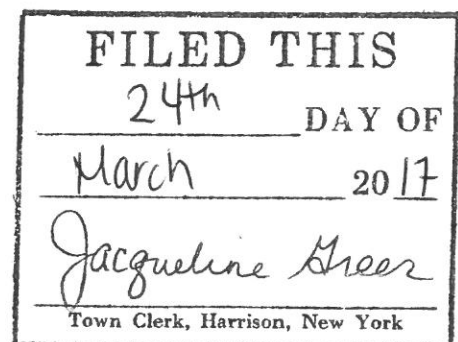


March 23, 2017

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MATTERS FOR EXECUTIVE SESSION

Personnel: 2
Litigation: 1
Advice of Council: 1
Acquisition of Property: 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 10:47 PM



March 23, 2017

2017 - - 136

AUTHORIZATION TO TERMINATE THE EMPLOYMENT OF FIREFIGHTER
JOSEPH LEPINO

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

RESOLVED to authorize the termination of employment of Firefighter Joseph Lepino
pursuant to section 71 of the Civil Service Law, effective immediately.

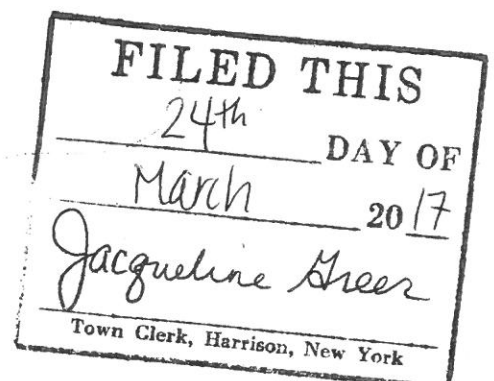
FURTHER RESOLVED to forward a copy of this Resolution to the Personnel Manager,
the Comptroller, and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



March 23, 2017

2017 - - 137

AUTHORIZATION TO SETTLE A CLAIM

On motion of Councilman Dioniso, seconded by Councilman Malfitano,

it was

RESOLVED to settle the claim in the matter of Gonzales v. Town of Harrison in the amount of \$1,859.12, 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 12:00 AM.

Respectfully submitted,

Jacqueline Greer
Town Clerk

