

October 5, 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 October 5, 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.....) Councilpersons
Fred Sciliano.....)
Stephen Malfitano.....)

ALSO ATTENDING:

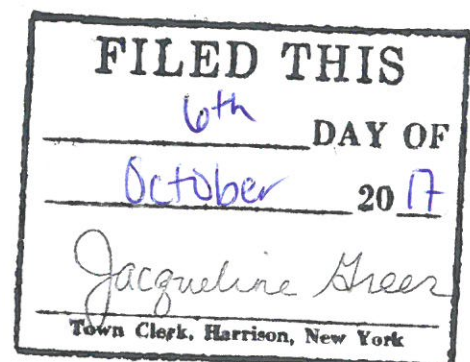
Frank Allegretti..... Town Attorney
Andrea Rendo..... Deputy Village Attorney
Nelson Canter..... Deputy Town Attorney
Ed Detlefs..... Captain
Maureen MacKenzie..... Comptroller
Debra Schocchera..... Personnel Manager

October 5, 2017

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ANNOUNCEMENT OF THE 2017 CITIZEN OF THE YEAR

Supervisor Belmont continued the tradition of announcing the Harrison Citizen of the Year at the Town Board meeting prior to the Great to Live in Harrison Weekend Celebration. Superintendent of Recreation Gerry Salvo revealed this year's Citizen of the Year, winner as the late Joseph Cannella. Judge Cannella moved to Harrison 30 years ago with his family and became involved in the community immediately. He was involved in Little League, Babe Ruth League, Soccer League Programs and received numerous awards from these programs. The Judge spent eight years on the town's Planning Board and served fourteen years on the Harrison Town Board. In 2015 Joe was elected to serve as Judge in Harrison Town Justice Court and served with distinction until his untimely death In December, 2016. Judge Cannella was a stellar leader and a great public servant, with a sincere wish to make Harrison a better place to live. I congratulate his family on this award.



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PRESENTATION BY CORPORATE PLANS INC. IN ASSISTING WITH
COMPLIANCE OF THE AFFORDABLE CARE ACT

Kristin Tudman and Mike Gernal of Corporate Plans Inc provided an update on the Affordable Care Act and what services they provide for the Town. The Affordable Care Act as it stands is still law. Corporate Plans Inc track the Town's employees who averages more then 30 hours per week over the Town's measure period. Last year we produced five hundred and seventy-six 1095's that are electronically filed with the IRS.

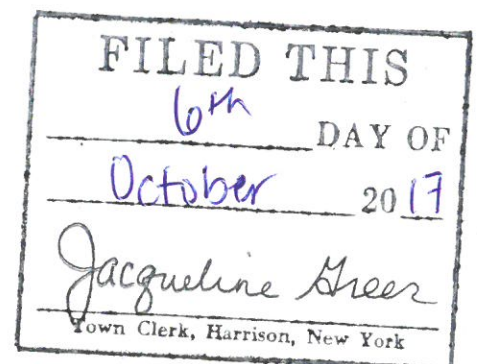
Supervisor Belmont asked for an overview for the audience watching at home.

Kriten Tudman of Corporate Plans Inc explained they look at all the Town's policies and made sure the town had a policy in place for tracking part time personnel. They reviewed the Town's union contracts to make sure they follow the Affordable Care Act requirements and then they take information monthly and track payroll hours for all those part time people to see how they work and compile all the information and print and mail all 1095's.

Supervisor Belmont asked Ms. Tudman if the 576 files are full or part time employees?

Ms. Tudman answered that is full time and retired employees because you are a self funded plan.

Mike Gernal of Corporate Plans Inc. said for the last couple of years we have had no one calculate full time. We have been working with Human Resources to monitor those hours. When you hire someone to work part time you expect them to be a part time employee; obviously the law defines 30 hours as a full time benefit eligible employee.



October 5, 2017

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

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

RESOLVED to accept the following correspondence and reports:

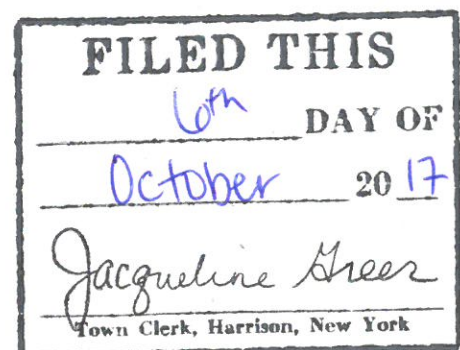
1. Monthly report by the Commissioner of Public Works for August 2017.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



October 5, 2017

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APPROVAL OF RESIGNATION OF LIBRARIAN I, THAO NGUYEN

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Library Director, Galina Chernykh, to approve the resignation of Librarian I, Thao Nguyen, effective October 2, 2017.

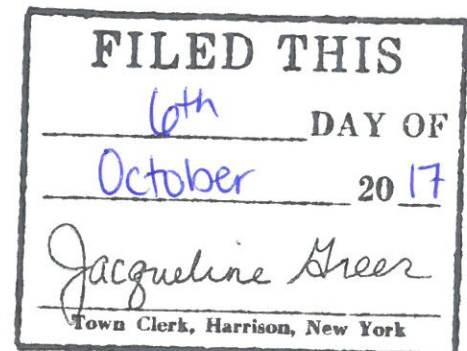
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Library Director and Personnel Manager.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



October 5, 2017

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APPROVAL TO HIRE 15 SEASONAL EMPLOYEES IN THE HIGHWAY
DEPARTMENT FOR LEAF COLLECTION

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

RESOLVED to accept the request by Commissioner of Public Works, Anthony Robinson, for approval to hire 15 seasonal employees in the Highway Department at an hourly rate of \$13.00 for leaf collection, effective October 16, 2017. Funding for these positions is available in the DPW Operating Budget.

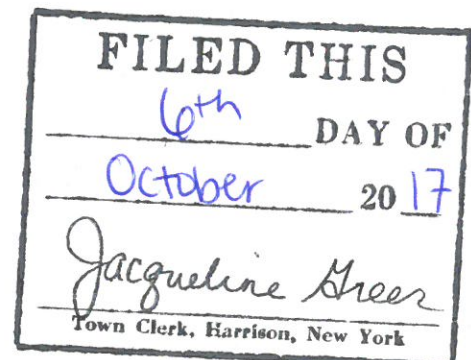
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Commissioner of Public Works and Personnel Manager.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



October 5, 2017

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APPROVAL OF THE PROVISIONAL APPOINTMENT OF DIANA SMOYVER TO
THE POSITION OF SENIOR OFFICE ASSISTANT-COMPTROLLER

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Personnel Manager, Debra Scocchera, to approve the provisional appointment of Diana Smoyver to the position of Senior Office Assistant-Comptroller, at annual salary of \$65,100.00, effective October 16, 2017. The proper procedure has been followed as per New York State Department of Civil Service guidelines.

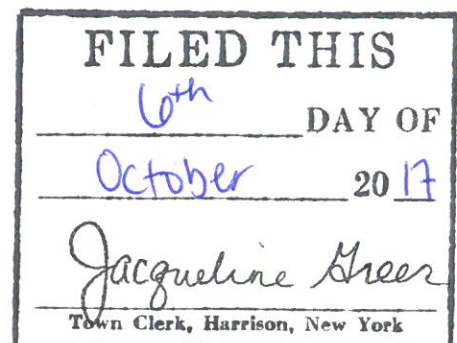
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Personnel Manager.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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AUTHORIZATION TO RENEW THE ANNUAL CONTRACT WITH CORPORATE
PLANS INC., D/B/A/CPI-HR TO ASSIST THE TOWN WITH COMPLIANCE OF
THE AFFORDABLE CARE ACT

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Comptroller, Maureen MacKenzie for authorization to renew the annual contract with Corporate Plans Inc., d/b/a/CPI-HR, for the purpose of assisting the Town of Harrison with compliance of the Affordable Care Act. The contract will run from September 2017-September 2018, at an annual cost of \$14,750. The fee remains the same as the contract for 2016/2017. Funding for this contract is available in budget line 001-1900-100-4407. The contract has been reviewed by the Law Department and has been found in order.

FURTHER RESOLVED the Supervisor be authorized to execute this contract.

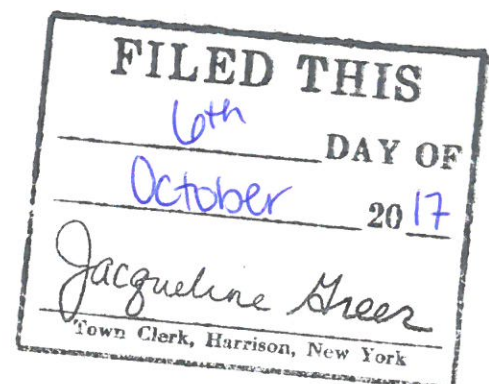
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager and Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



October 5, 2017

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APPROVAL OF AN APPLICATION FOR REFUND AND CREDIT (RP-556)
FOR 125 ELLSWORTH AVENUE

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

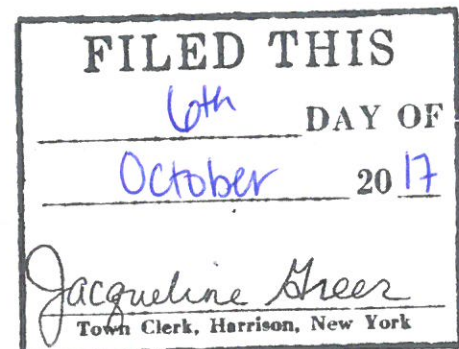
RESOLVED to accept the request by Town Assessor, Mark Heinbockel, for approval of an Application for Refund and Credit (RP-556) for Frederick and Joann Grant of 125 Ellsworth Avenue in the amount of \$3,131.00 for the 2014/2015 and 2015/2016 School tax years.

FURTHER RESOLVED the Supervisor be authorized to execute this Application.

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

Adopted by the following vote:

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



October 5, 2017

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AUTHORIZATION TO HOLD A HALLOWEEN BLOCK PARTY
ON TUESDAY OCTOBER 31, 2017

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

RESOLVED to accept the request by Kingsley Rooney, to close off Highfield Road between Crawford and Bates Road from 4:30pm-6:00pm on Tuesday, October 31st to hold a Halloween block party for the children of the Sunnyridge community.

FURTHER RESOLVED the fee be waived and insurance be submitted.

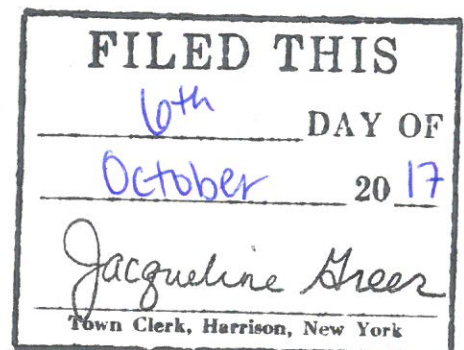
FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Chief of Police, and Kingsley Rooney.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



October 5, 2017

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AUTHORIZATION FOR THE CONSIGILIERE FAMILY TO HOLD
A HAUNTED HOUSE BETWEEN ELLSWORTH AVENUE AND POST PLACE
ON TUESDAY, OCTOBER 31, 2017

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by the Consigliere Family to close Webster Avenue, between Ellsworth Avenue and Post Place in order to extend their annual haunted house on Tuesday, October 31, 2017 between the times of 6PM-11PM. All proceeds/donations will go to a specific wounded USMC Veteran, who served side by side with current Harrison Police Officer, Rocky Consigliere, before suffering traumatic injuries due to an IED blast in Afghanistan.

FURTHER RESOLVED that the fee will be waived. Insurance will be submitted.

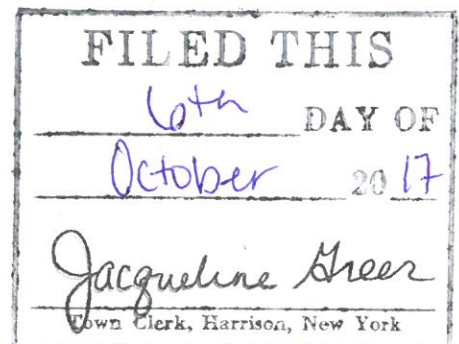
FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Chief of Police, and the Consigliere Family.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



October 5, 2017

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AUTHORIZATION FOR THE TOWN ENGINEER TO ATTEND THE NEW JERSEY
ASSOCIATION OF FLOOD PLAIN MANAGERS ANNUAL CONFERENCE

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, for authorization to attend the New Jersey Association of Flood Plain Managers Annual Conference in Atlantic City from October 23-26, 2017, at a cost not to exceed \$1,000. This is a budgeted item.

FURTHER RESOLVED to authorize the use of his Town vehicle for transportation to and from the conference.

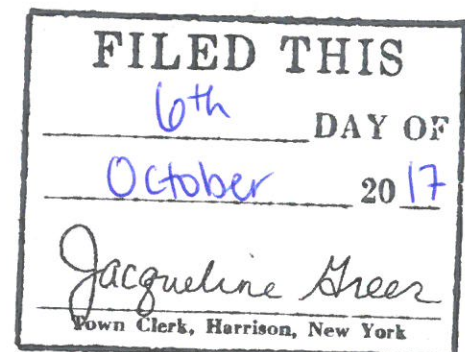
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Town Engineer.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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AUTHORIZATION TO HOLD A HALLOWEEN BLOCK PARTY
ON TUESDAY OCTOBER 31, 2017

On motion of Councilwoman Amelio, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Maria Fasciglione, to close Bates Road between Sunnyridge Road and Highfield Road for a Block Party on Halloween, October 31, 2017, between the hours of 4:00 PM - 9:00 PM. Insurance will be submitted.

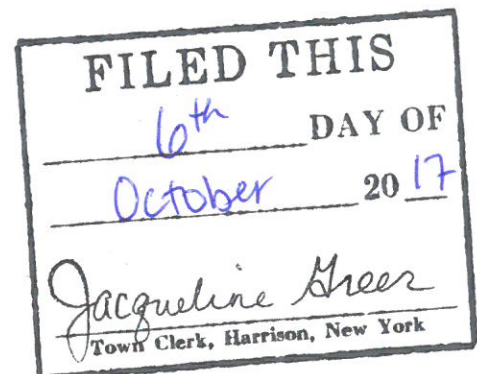
FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Chief of Police, and Maria Fasciglione.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



October 5, 2017

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APPROVAL TO AMEND FINAL SUBDIVISION PLAT APPROVAL FORMER
FRENCH SUBDIVISION.AMENDMENT SUNNYRIDGE ROAD BLOCK 444, LOT 5

On motion of Councilman Sciliano, seconded by Councilman Malfitano,

it was

RESOLVED to accept the request by Deputy Village Attorney, Andrea Rendo, for approval to amend Final Subdivision Plat Approval former French Subdivision Amendment Sunnyridge Road, Block 444, Lot 5.

FURTHER RESOLVED the Stormwater Facility Easement and Maintenance Agreement have been deemed in order and the Supervisor execute the Agreement along with all other documents for filing of the Agreement with Westchester County.

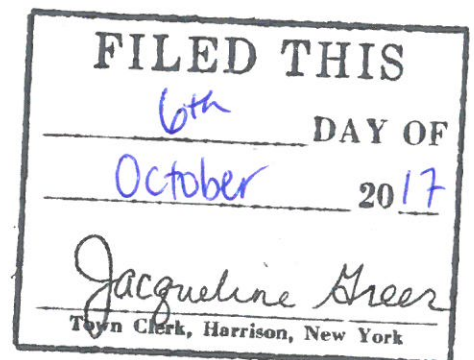
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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APPROVAL OF AN AGREEMENT BETWEEN THE CORPORATE PARK
APARTMENTS, LLC. D.B.A. TOLL BROTHERS AND
THE TOWN/VILLAGE OF HARRISON

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Village Attorney, Jonathan Kraut, for approval of an Agreement between the Corporate Park Apartments, LLC. d.b.a Toll Brothers and the Town and Village of Harrison, subject to final review by the Law Department.

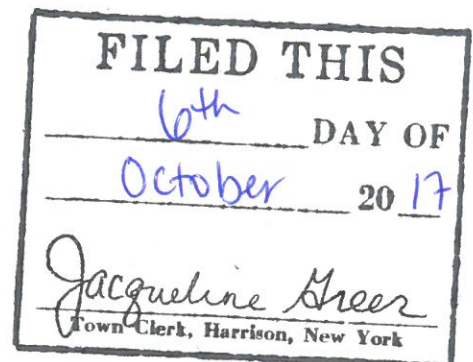
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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APPROVAL OF THE REVOCABLE LICENSE AGREEMENT BETWEEN 106/108
CORPORATE PARK DRIVE AND THE HARRISON POLICE DEPARTMENT

On motion of Councilman Malfitano, seconded by Councilman Sciliano,

it was

RESOLVED to accept the request by Deputy Village Attorney, Andrea Rendo, for approval of the Revocable License Agreement between 106/108 Corporate Park Drive and the Harrison Police Department.

FURTHER RESOLVED the Lease is deemed to be in order and recommend Lieutenant John Vasta execute the agreement.

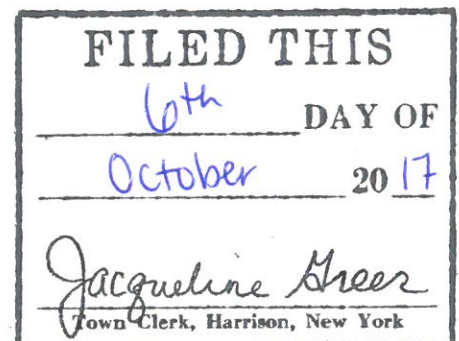
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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OLD BUSINESS

Harrison resident Rachel Ostroff addressed the Board. She explained she was disappointed and frustrated to be before the Board again as I'm sure you are tired of seeing me here. It has been over seven months since you agreed to draft and adopt an ordinance. The Law Center to Prevent Gun Violence has provided the Board a model and you have been guaranteed legal protection and you seem to have done nothing. Each time I'm here I'm condescendingly told that legislation take times. This Board's lack of a sense of urgency surrounding this issue is palpable and has been demonstrated over the past seven months by this Board's inaction. Ms. Ostroff ask the Board to take action and have some sense of urgency as so many residents have told the Board and made it clear to them that this is a priority.

Councilman Malfitano requested Town Attorney Allegretti to be very frank in your response to Ms. Ostroff so that she understood exactly what is going on. Some of the information that you have given us is absolutely, grossly inaccurate. There are people that have come here and presented to us, we were offered information that we discussed and council was offered to us. I'll let our Attorney answer you, but quite frankly much of what has been brought into this room publicly, and after our Attorneys have had an opportunity to review it, then we go back to Council who was given to us to defend us in the event to only learn and find out that is not necessarily correct. There is a lot of misinformation here and when I hear you say that you find it offensive that you have been treated in a condescending way that is the last thing ever happened here. No one here has treated you in a condescending way.

Councilwoman Amelio explained she understood Ms. Ostroff's concern. The tone of voice in which you are being addressed seems condescending. The Councilwoman suggested that Ms. Ostroff's frustration is due to the fact that we haven't always given you some of the information because it had been under investigation and we were looking into it more thoroughly/. Certainly, what Mr. Malfitano alluded to about the so-called protection, should we venture into an agreement with an outside attorney will be discussed by the Town Attorney.

Councilman Dionisio said we do take this with urgency and do take it seriously but we have an obligation to protect our town.

Town Attorney Allegretti communicated his department has had an open line of communication with the Law Center to Protect Gun Violence over the course of the last seven months. One avenue that we've taken to help us further the process is with the Law Firm of Kramer-Levin which we said here publically would provide some assistance. What they did back in June was provide us with a seven-page retainer agreement which really didn't provide for much of anything including representation of our Board

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Members or the defense of them if anything did happen as a result of actions we took as a result of their recommendations or suggestions. Of the seven-page agreement we had issues with seven or eight major things in the Retainer Agreement. We reached out to Kramer-Levin and told them specially what we had issues with, primarily there refusal to represent the Board and defend the Board in the event of something going wrong with respect to civil action or claim brought against the Board members. What they are willing to do, with signing their proposed seven-page retainer agreement, is giving us a memo of law and if anything else is needed, they will want us to sign another retainer agreement, which I'm sure will come with a price tag attached to it for any further representation. That is where we are at, it is a continuing dialogue with the Board and with Kramer-Levin to see if they would modify their position.

Harrison resident Rachel Ostroff said assuming they are unwilling to move on that then that means basically you are not going to move forward on an ordinance?

Town Attorney Allegretti said I don't think anyone said that, it is just an issue that we are looking at.

Councilman Malfitano asked Mr. Allegretti that he may want to comment on the night we had an Attorney from California make representations to this Board. That Attorney was asked to please provide specific instances of law that had case law associated with them specially in the State of New York. That didn't happen that night and you may recall that I personally asked to be directed to such instances that could be pointed to that our Attorneys could look at and view. There were several instances where the representation that was made was later found out not to be accurate. In other words, the laws that were put before us as having a validity to them, an actual legal standing, when investigated, were challenged.

Town Attorney Allegretti explained that the bottom line is some of the regulations and laws that have been floated throughout the State haven't been challenged and they haven't been upheld in a Federal Court under a Constitutional Analysis and especially on appeal. We don't have this right now. This is problematic for us as lawyers just forcing an ordinance down The Board's throat just for the sake of having an ordinance. Therefore, we are going through this very carefully.

Councilman Malfitano explained to Ms. Ostroff that she and the room understands the level of frustration they are hearing here is like the level of frustration that you have. We are trying to find something that will give us an opportunity to address the concern of the community, which we share, on the other hand we are trying to balance something that could be wrong and may end up costing us. There is a level of frustration, which perhaps hasn't been communicated properly but it certainly isn't without inaction on our part. We

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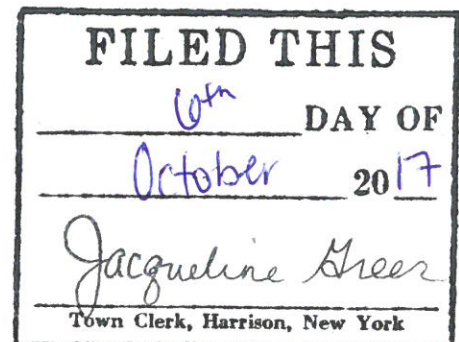
spent an inordinate amount of time on this, individually as has our law department and we will continue to do so.

Councilwoman Amelio replied to Ms. Ostroff. She agreed that the tone has been somewhat abrupt and she apologized. She asked Ms. Ostroff to understand that to have accusations hurled at us for not doing anything or not caring enough, made her sit back and say, "are you kidding me". We are working on it and will continue to work on it until we find something that can withstand the test that we need for responsibility to the entire town.

Harrison resident Dr. Peter Libert addressed the Board. He said this sounds strange to me and sounds like a lot of lawyering back and forth which is getting the town and the proponents of an ordinance frustrated. Is there a way to short cut this situation or does it have to go from one lawyer to another lawyer? Is there a way to move this along?

Town Attorney Allegretti said we are moving this along and that is all I can say.

Councilman Malfitano explained that the issue for the Town and our legal staff and the Board is an issue of liability more than anything else. If we were act irresponsible not only would we be subjecting the town to potential liability there is a chance we could be subjecting each one of ourselves individually to liability. We are here to protect the community and represent the community's interest. However; sometimes we can't act as easily as you or I want us to because of the situation we are confronted with. This is a delicate issue that really centers on the legality of anything we do and challenge we are likely to be brought with.



October 5, 2017

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MATTERS FOR EXECUTIVE SESSION

Personnel: 2
Contractual: 1
Advice of Council: 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 8:40 PM.

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
declared closed at 8:42 PM.

Respectfully submitted,
Jacqueline Greer
Town Clerk

