

October 16, 2019

A regular meeting of the Town Board of Harrison, Westchester County New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Wednesday, October 16, 2019 at 7:00 PM Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont Supervisor

Richard Dionisio.....)

Frank Gordon.....) Councilpersons

Fred Sciliano)

MEMBERS ABSENT:

Stephen Malfitano).....Councilman

ALSO ATTENDING:

Frank Allegretti Town Attorney

Nelson Canter.....Deputy Town Attorney

Jonathan Kraut.....Village Attorney

Andrea Rendo.....Deputy Village Attorney

Michael Amodeo.....Town Engineer

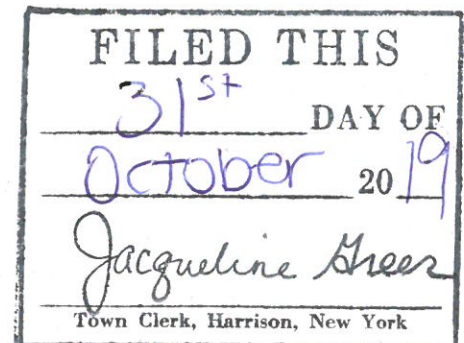
Maureen MacKenzie.....Comptroller

October 16, 2019

2019- - 441

CERTIFICATE OF ACHIEVEMENT GIVEN TO
THE HARRISON ROCKETRY TEAM

Supervisor Belmont presented Certificates of Achievement to the Harrison Rocket Club for placing fourth in the nation at a NASA competition that was attended by 6,000 students from around the country. Certificates were given to Morgan Remeza, Alissa Remeza, Saki Yoshinari, Katherine Yang, Casey Wu, Brian Zhou and Louis Zhou. Ms. Helen Remeza played a video of the rockets at the NASA competition.



October 16, 2019

2019- - 442

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Sciliano, seconded by Councilman Gordon,

it was

RESOLVED to accept the following correspondence and reports:

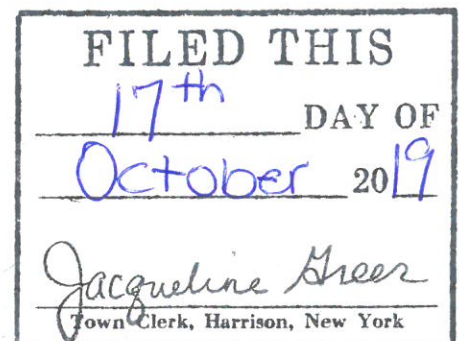
1. Monthly report by the Receiver of Taxes for September 2019
2. Monthly report by the Commissioner of Public Works for September 2019
3. Monthly report by Lieutenant John Vasta of the Harrison Police Department for September 2019
4. Monthly report by the Town Clerk for September 2019

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

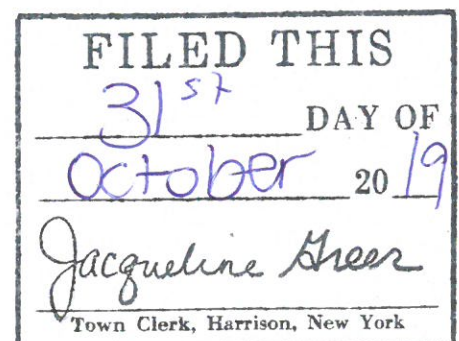
2019- - 443- - A

PUBLIC HEARING RE: PROPOSED LOCAL LAW BY ENERGIZE NY REPEALING
CHAPTER 205, ENTITLED "SUSTAINABLE ENERGY LOAN PROGRAM" AND
ENACTING A NEW CHAPTER 205 ENTITLED "SUSATAINABLE ENERGY PROGRAM
(OPEN C-PACE) IN THE TOWN OF HARRISON"

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

Supervisor Belmont said the hearing is for a proposed local law repealing Chapter 205, entitled Sustainable Energy Loan Program and enacting a new Chapter 205 entitled Sustainable Energy Loan Program (Open C-Pace) in the Town of Harrison.

Sarah Smiley, Director of Member Services representing Energize New York briefed the Board. Energize New York is a non-profit local development corporation that implements the States property accessed clean energy or PACE Finance Program for all participating municipalities outside New York City.





Energize NY Open C-PACE channels private capital to commercial and non-profit building owners to make energy upgrades to their buildings, enabling them to improve their properties, lower operating expenses and positively impact their communities.

Property Assessed Clean Energy (PACE) financing is a public benefit authorized by state and local law, with repayment secured through a benefit assessment lien on the improved property.

The Energy Improvement Corporation (EIC), a non-profit, statewide local development corporation, administers Energize NY Open C-PACE on behalf of its member municipalities.

Energize NY Open C-PACE differs from traditional bank loans:

- Financing is available for up to 100% of the project cost, or can be combined with other financing
- Competitive private financing from EIC-approved capital providers
- Customizable loan terms up to the expected life of the improvement(s) (generally 20-30 years)
- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required)
- Automatically transfers to new owner upon sale of property
- Available for energy efficiency and renewable energy measures (Projects are qualified according to NYSERDA's C-PACE Guidelines)

Open C-PACE paves the way for higher levels of energy efficiency or renewable energy to be included as part of a building's redevelopment or rehabilitation – and might be the pivotal element needed to move the project forward.

Visit www.EnergizeNY.org or Call (914) 302-7300 x8105

FILED THIS

31st

DAY OF

October

20

19

Jacqueline Sheer
Town Clerk, Harrison, New York

Enabling Open C-PACE in your community

- Municipalities must pass a local law and sign an EIC municipal agreement to offer Energize NY Open C-PACE. EIC provides template documents.
- Any New York State municipality with tax lien authority is eligible.
- Open C-PACE is available to all local municipalities within a member county except for cities (and towns in Westchester County) that have tax lien authority, which must join separately.



Benefits to member municipalities:

- No fees to join
- No responsibility for program administration
- No financial exposure for the municipality

Once Open C-PACE is enabled, the member municipality provides the public benefit of PACE and EIC administers the program.

- EIC records the lien on the land record.
- EIC bills the property owner directly and administers collection of the payment.
- The capital provider enforces the PACE lien only *after* paying any delinquent municipal taxes owed by the property owner to the municipality.

Questions? Visit www.EnergizeNY.org or call (914) 302-7300 x8105

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

October 16, 2019

2019- - 444

RESIGNATION OF PART-TIME CODE ENFORCEMENT OFFICER
JOHN GIORDANO

On the motion of Councilman Gordon, seconded by Councilman Sciliano,

it was

RESOLVED to accept the resignation of Part-time Code Enforcement Officer, John Griordano, effective September 16, 2019.

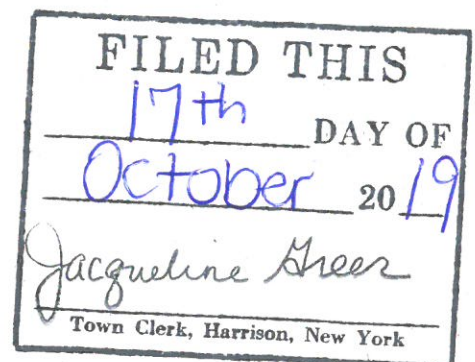
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, Personnel Manager, and Building Inspector.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

2019- - 443- -B

Local Law No. 1 of 2019

**Repealing Chapter 205, entitled “Sustainable Energy Loan Program”
and enacting a new Chapter 205 entitled
“Sustainable Energy Loan Program (Open C-Pace) in the Town of Harrison”**

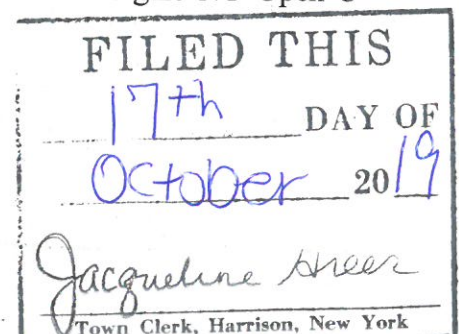
A Local Law amending Chapter 205, entitled “Sustainable Energy Loan Program” in its entirety by Local Law 3 of 2018, by repealing the existing Chapter 205 and enacting a new Chapter 205 entitled “Sustainable Energy Loan Program (Open C-Pace) in the Town of Harrison, of the Town Code of the Town of Harrison.

Be it enacted by the Town of Harrison (the “Municipality”) as follows:

This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

Section 205-1. Legislative findings, intent and purpose, authority

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.



Section 205.2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the Town of Harrison, a Municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

Section 205-3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the

land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

Section 205-4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 0 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 0 of this local law.

Section 205-5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and

- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

Section 205-6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a Finance Agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

Section 205-7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the

weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.

- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

Section 205-8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the

same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

Section 205-9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

Section 205-10. Separability

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

This local law shall take effect immediately upon filing in the office of the Secretary of State.

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

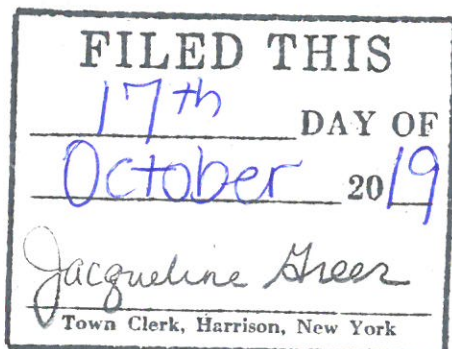
Trustee Dionisio VOTING AYE

Trustee Gordon VOTING AYE

Trustee Sciliano VOTING AYE

Mayor Belmont VOTING AYE

The order was thereupon declared duly adopted



October 16, 2019

2019- - 445- -A

AUTHORIZATION TO ACCEPT A BUDGET TRANSFER

On the motion of Councilman Sciliano, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, to adopt the following Budget Transfer:

**Budget Transfer to cover the repairs of
Tower Ladder 9**

Increase:

010-3410-100-0402	16,000
Fire#1-Equipment Mtce and Repairs	

Decrease:

010-3410-100-0240	16,000
Fire#1-Other Equipment	

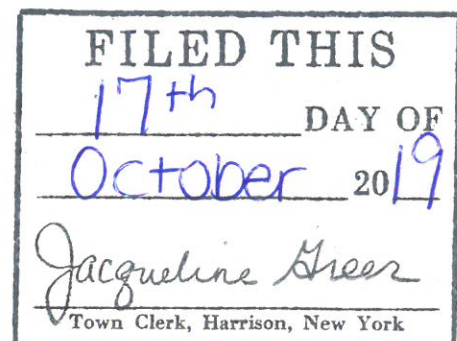
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

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AUTHORIZATION TO ACCEPT A BUDGET TRANSFER

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

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, to adopt the following
Budget Transfer:

**Budget Transfer to cover the replacement of
3 exteriors doors of the Fire House.**

Increase:

010-3410-100-0401	9,000
Fire#1-Building Mtce and Supplies	

Decrease:

010-3410-100-0240	9,000
Fire#1-Other Equipment	

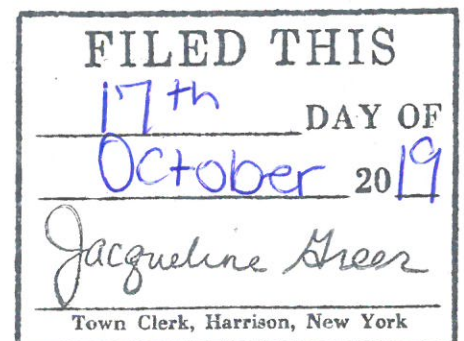
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

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AUTHORIZATION TO ACCEPT A BUDGET MODIFICATION

On the motion of Councilman Gordon, seconded by Councilman Dionisio,

it was

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

**Budget modification to reflect receipt of NYS
Grant funds received for the Downtown
Library Generator Project and
transfer of funds to the Capital fund to pay for
the same.**

Increase:

002-0000-030-3840 91,260
Library-State Aid

Increase:

002-9501-100-0906 91,260
Library-Transfer to Capital

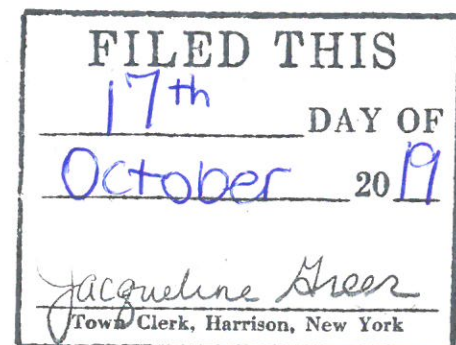
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
 Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

2019- - 447

AUTHORIZATION TO ACCEPT DONATIONS FOR THE 9/11 MEMORIAL PROJECT

On the motion of Councilman Gordon, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Comptroller, Maureen MacKenzie, to accept the following donations for the 9/11 Memorial Project Account 9-783:

Purchase Fire Department	\$1,500.00
Mr. Anthony Artuso Sr.	\$200.00

Total: \$1,700.00

Total 9/11 Memorial Project 2019 donations received to date is \$21,340.00

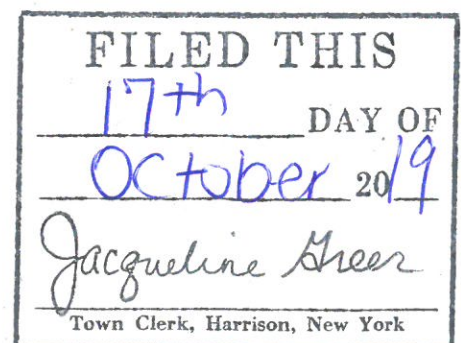
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

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AUTHORIZATION TO ACCEPT A DONATION

On the motion of Councilman Gordon, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Director of Community Services, Nina Marraccini, to accept a \$2,000 donation from an anonymous donor for the Harrison Food Pantry

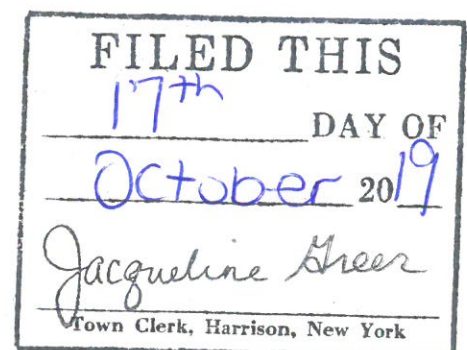
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Director of Community Services.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

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AUTHORIZATION TO ACCEPT A DONATION

On the motion of Councilman Sciliano, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Superintendent of Recreation, Gerry Salvo, to accept a donation of \$700.00 from Universal Television, LLC for the Harrison Recreation Department.

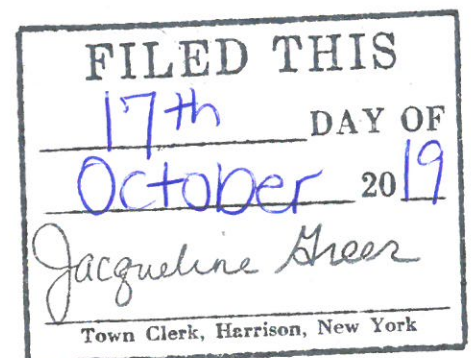
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Superintendent of Recreation.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

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AUTHORIZATION FOR MONIKA SHKRELI TO ATTEND THE
PACE WOMEN'S JUSTICE CENTER "CELEBRATING JUSTICE BENEFIT DINNER"

On the motion of Councilman Gordon, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Director of Community Services, Nina Marraccini, for Community Services Assistant, Monika Shkreli, to attend the Pace Women's Justice Center "Celebrating Justice Benefit Dinner" at the Doubletree by Hilton in Tarrytown at a cost not to exceed \$300.00. Funds are available in Budget Line item 001-6989-100-0406.

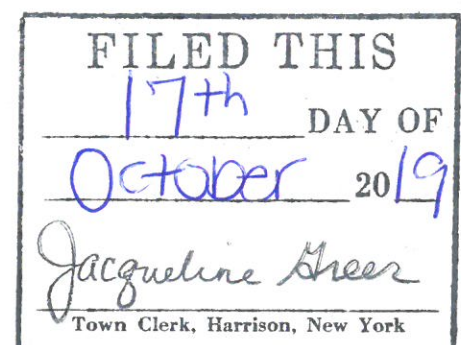
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Director of Community Services.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

2019- - 451

APPROVAL OF FUND TRANSFERS

On the motion of Councilman Sciliano, seconded by Councilman Gordon,

it was

RESOLVED to accept the request by Library Director, Galina Chernykh, to transfer the following funds:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$3,000	002-7410-100-0130	002-7410-100-0401
\$2,000	002-7410-100-0130	002-7410-100-0402
\$3,000	002-7410-100-0130	002-7410-100-0403
\$2,000	002-7410-100-0130	002-7410-100-0407

Total amount: \$10,000

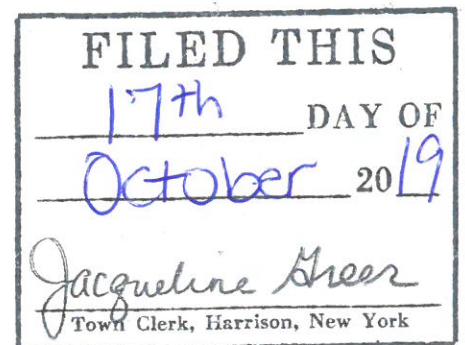
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Library Director.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

2019- - 452

ACCEPTANCE OF A NYSDOT TAP GRANT
FOR UNION AVENUE PEDESTRIAN SAFETY IMPROVEMENTS

On the motion of Councilman Gordon, seconded by Councilman Dionisio,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, to accept a NYSDOT TAP Grant for Union Avenue Pedestrian Safety Improvements. The Town of Harrison has been awarded this grant, which encompasses the installation of approximately one mile of sidewalks on Union Avenue from Mamaroneck Avenue to 130 Union Avenue. This is a reimbursable grant with a total funding amount of approximately \$3,100,000.00, with a federal share of up to \$2,400,000.00 and a town share of approximately \$650,000.00.

FURTHER RESOLVED to proceed with this grant and obtain Funding for this project.

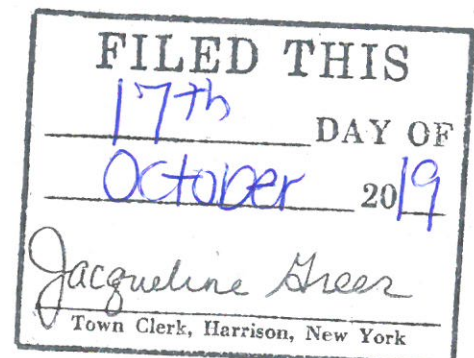
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Town Engineer.

Adopted by the following vote:

AYES: Councilpersons Dionisio, Gordon, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: Councilman Malfitano



October 16, 2019

2019- - 453

APPROVAL TO HOLD A REFERENDUM VOTE ON THE ESTABLISHMENT OF
A SERVICE AWARD PROGRAM FOR
THE ACTIVE VOLUNTEER FIREFIGHTER MEMBERS

Whereas, a proposal has been made to establish a Service Award Program for active volunteer firefighter members of the Harrison Fire Department.

Now, Therefore, Be It Resolved That:

Section 1 The Board of Fire Commissioners of the Harrison Water District No. 2, as authorized by Article 11-A of the New York State General Municipal Law, directs that there shall be a public referendum of eligible voters of the Harrison Water District No. 2 to determine whether such Service Award Program shall be established effective January 1, 2020. This referendum will take place on December 10, 2019 from 3:00 PM to 9:00 PM at the Fire House of Fire District #2.

Section 2 The type of program shall be a defined benefit plan as described in Section 219 of Article 11-A. All active volunteer firefighters who are at least 18 years old and who are active volunteer firefighter members of the Harrison Fire Department, in accordance with such Fire Department's by-laws, shall be eligible to become Service Award Program Participants. Unless they waive participation, an eligible volunteer age 18 or older, shall become a Participant on December 31 of the first calendar year after calendar year 2019 during which he or she earns a year of Service Award Program service credit.

Section 3 This Service Award Program shall be administered and operated by the Harrison Water District No. 2 Board of Fire Commissioners through recommendations from the Service

Award Committee (i.e., the "SAC"). The SAC shall consist of representatives from the Fire District and the Harrison Fire Department.

Section 4 Harrison Fire Department active volunteer firefighter members shall have the opportunity to earn pension-like and pre "Entitlement Age" death and disability benefits under the Service Award Program. The pension-like benefit, shall be a monthly payment accrued "Service Award" paid to a Participant with payments beginning after attainment of age 62 the "Entitlement Age", but not before a Participant earns at least one year of Service Award Program service credit for calendar years after calendar year 2019. The monthly payment accrued "Service Award" shall be equal to \$30 for each year of Service Award Program service credit earned. The maximum monthly payment shall be \$1,200. In the event that a Participant begins to be paid such monthly payments and then dies before receiving 120 monthly payments, the Participant's designated beneficiary (or estate if no beneficiary is selected) shall have the option to continue to receive the monthly payments until 120 payments have been received altogether or to immediately be paid a lump-sum payment equal to the discounted value of the remaining payments. By the adoption of a resolution, the Board of Fire Commissioners may add other actuarially equivalent forms of such monthly payments.

The pre "Entitlement Age" vested Participant death benefit shall be a lump-sum payable to the vested Participant's designated beneficiary (or estate if no beneficiary is designated) and shall be equal to the discounted value at the time of death of the actuarial present value of the vested Participant's accrued Service Award. A Participant, who is awarded benefit payments due to a total and permanent disability by the Social Security Administration or by any entity which pays benefits under the Volunteer Firefighters' Benefit Law or by any other authority approved by the Board of Fire Commissioners/SAC, shall be eligible to be paid a pre "Entitlement Age" disability benefit payment under the Service Award Program. Such disability benefit payment shall be a lump-sum payment to the Participant equal to the discounted actuarial present value of the Participant's accrued Service Award payable upon application by the Participant to and approval by the Board of Fire

Commissioners/SAC to pay Service Award Program disability benefits. The SAC/Board of Fire Commissioners may require a physician to certify such disability. If the participant was an active volunteer firefighter member of the Harrison Fire Department on the date the total and permanent disability is established by the authority approved by the Board of Fire Commissioners, in lieu of the disability set forth above, the disabled participant shall be entitled to begin to receive as of the first day of the month next following the date of establishment of such disability the service award the participant would have been paid upon attainment of the entitlement age. Such service award shall be based upon the number of years of service credit earned by the participant as of the date of establishment of such disability.

Section 5 A Participant's accrued Service Award shall become fully vested (i.e. a Participant shall obtain a nonforfeitable right to his or her accrued Service Award) after: he or she shall earn and shall not permanently forfeit Service Award Program service credit for at least five (5) years of active volunteer firefighter service; or, shall attain age 62 while an active volunteer firefighter; or, he or she shall be awarded a Service Award Program total and permanent disability benefit payment.

Section 6 As of December 31 of the year a non-vested Participant shall no longer be an active volunteer firefighter member of the Harrison Fire Department, the Participant's Accrued Service Award and earned service credit shall be forfeited. The forfeited earned service credit and Accrued Service Award of a person who shall no longer be an active volunteer member of the Harrison Fire Department shall be restored if the participant again becomes an active volunteer member of either the Harrison or West Harrison fire department within 5 years and subsequently shall earn a year of Service Award Program service credit under the Service Award Program Point System.

Section 7 A year of Service Award Program service credit shall be earned by a Participant for each calendar year after 2019 during which a Participant earns at least 50 "points" while an active

volunteer firefighter member of the Harrison Fire Department for participating in the volunteer firefighter activities set forth by the Board of Fire Commissioners/SAC in the Service Award Program "Point System" as authorized by Section 217 of Article 11-A of the General Municipal Law, and during which he or she agrees to participate in the Service Award Program. The Point System shall be set forth in writing and copies of the written explanation of the Point System shall be distributed to active volunteer firefighters. The Board of Fire Commissioners/SAC may amend the Point System from time to time provided such amendments are allowable under all applicable statutes, rules and regulations. In the event the Point System is amended by the Board of Fire Commissioners/SAC, a written explanation of the changes shall be distributed to active volunteer firefighter members within 60 days of the date such changes are adopted. A copy of the written point system explanation is attached to this resolution.

Section 8 Up to five years of service credit may be earned under the Point System by eligible Participants for service prior to January 1, 2020. To be eligible to earn credit for such service, a volunteer must earn a year of service credit during calendar year 2020, 2021, 2022, 2023, or 2024. An active volunteer firefighter member eligible to earn credit for service before January 1, 2020, who during calendar years 2015, 2016, 2017, 2018, or 2019, dies or becomes totally and permanently disabled shall be considered to have been a Participant at the time of his or her death or disablement and he or she shall be given credit for his or her otherwise allowable pre-2020 service if during calendar year 2020, 2021, 2022, 2023, or 2024 he or she was prevented by his or her death or disablement from earning service credit under the Point System (as determined by the Board of Fire Commissioners/SAC). Participants who earn years of service credit for years before calendar year 2020 shall be paid a \$20 service award for such years of service credit earned for years before calendar year 2018.

Section 9 Persons who commence to be or continue to be active volunteer firefighter members of the Harrison Fire Department after they attain the Entitlement Age and begin to be paid a Service Award shall have the opportunity to continue to earn service credit under the Point System. The additional monthly Service Award payment earned by a Participant during a calendar year shall commence to be paid as of January 1st in the next succeeding calendar year.

Section 10 Under Article 11-A of the General Municipal Law, the Harrison Water District No.2 shall be the Service Award Program "Sponsor" and the Board of Fire Commissioners shall be the "Trustees" of the Service Award Program Trust Fund. The Board of Fire Commissioners shall have the authority to manage or dispose of program assets and shall do so in the interest of the volunteer firefighters who participate in the program and the volunteer firefighters' beneficiaries. The Board of Fire Commissioners may authorize individuals or entities to hold and invest the program assets. They may also seek investment counsel.

Section 11 The Board of Fire Commissioners may retain a qualified firm to assist them to administer the Program.

Section 12 The total calendar year 2020 annual cost, payable in calendar year 2021, of funding the Harrison Fire Department Service Award Program benefits is estimated to be about \$285,000 or about \$3,750 per firefighter, including the cost of administration. The estimated annual cost to administer the program for calendar year 2020 is about \$6,000. The annual cost for current firefighters is expected to decrease by about \$91,000 after ten years when the cost of service awards earned for service before January 1, 2020 shall be fully paid.

Section 13 Harrison Fire Department Service Award Program benefit payments shall commence to eligible firefighters after December 31, 2020 when they and/or their beneficiaries qualify for payment. No benefit shall be paid under the Program for a firefighter's death occurring on or disability commencing prior to January 1, 2020.

Section 14 All other provisions of the Harrison Fire Department Service Award Program shall be in accordance with Article 11-A of the General Municipal Law as amended from time to time.

Section 15 The Harrison Fire Department Service Award Program shall also comply with all applicable federal laws including but not limited to compliance with those provisions of the Internal Revenue Code that shall result in the payment of federal income tax by a participating volunteer only after the participating volunteer or his or her beneficiary shall actually be paid a Service Award. Any additional provision of this Service Award Program required for such compliance not explicitly stated in the Program Documents shall be automatically be included within these provisions.

The appropriate officers of the Harrison Water District No. 2 are authorized to and shall take the necessary actions to carry out this resolution.

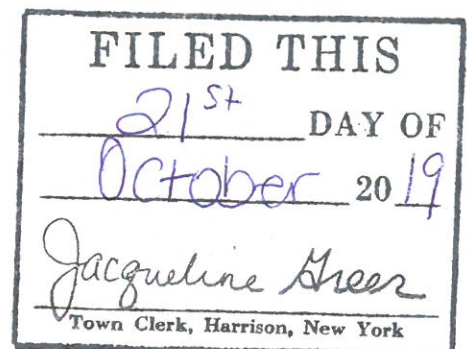
Councilman Sciliano moved, Councilman Dionisio seconded,
and the Harrison Water District No. 2, Board of Fire Commissioners voted as follows:

Councilman Dionisio
Councilman Gordon
Councilman Sciliano
Supervisor Belmont
Councilman Malfitano

IN FAVOR

AYE
AYE
AYE
AYE
ABSENT

OPPOSED



October 3, 2019

2019- - 454
MATTERS FOR EXECUTIVE SESSION

1 Contractual

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 7:38 PM.

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
declared closed at 7:52 PM.

Respectfully submitted,

Jacqueline Greer
Town Clerk

