

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 September 15, 2016 at 7:30 PM Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont Supervisor

Marlane Amelio)
Stephen Malfitano)
Fred Sciliano) Councilpersons
Joseph Stout)

ALSO ATTENDING:

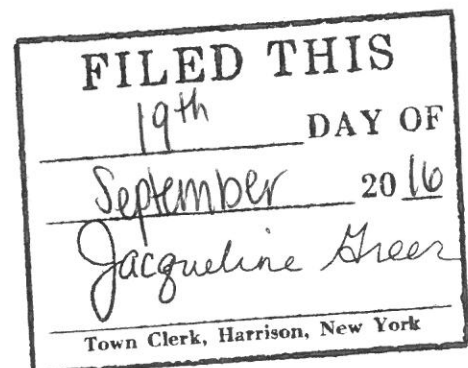
Frank Allegretti Town Attorney
Jonathan Kraut Village Attorney
Chris Cipolla Deputy Village Attorney
Nelson Canter Deputy Town Attorney
Maureen MacKenzie Comptroller
Anthony Marraccini Chief of Police

September 15, 2016

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CERTIFICATE OF ACHIEVEMENTS TO THE
BABE RUTH CHAMPIONSHIP TEAM, AND THEIR COACHES

Supervisor Belmont presented Certificates of Achievements to the Babe Ruth District 5 Championship team and coaches. Supervisor Belmont congratulated the team and thanked them for doing a great job representing Harrison.

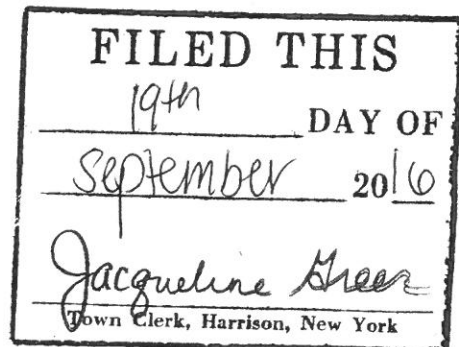


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PRESENTATION BY SUPERVISOR RON BELMONT
TO THE VETERE FAMILY
HONORING PAT VETERE, FORMER COUNCILMAN
FOR THE YEARS OF HIS DEDICATED SERVICE TO THE TOWN

Supervisor Belmont presented a flag to members of the Vetere Family to honor the late Pat Vetere for his years of service and dedication to the Town-Village of Harrison. Mr. Vetere was a former Councilman/Trustee in our town for 24 years.



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ACCEPTANCE OF CORRESPONDENCE AND REPORTS

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

RESOLVED to accept the following correspondence and reports:

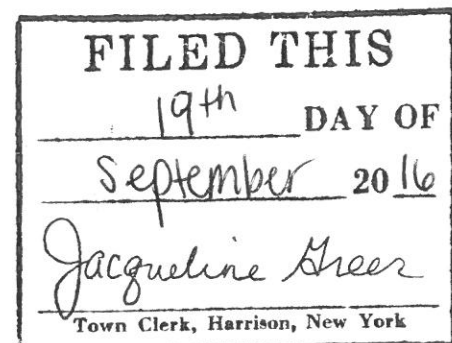
1. Monthly report by the Receiver of Taxes for August 2016.
2. Monthly report by the Commissioner of Public Works for July 2016.
3. Monthly report by the Building Inspector for August 2016.
4. Monthly report by the Acting Fire Marshal for August 2016.
5. Monthly report by the Town Clerk for August 2016.
6. Monthly report by the Chief of Police for August 2016.
7. Monthly report by the Superintendent of Recreation for August 2016.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



September 15, 2016

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PUBLIC HEARING: TO REVISE THE ORDINANCE OF THE TOWN/VILLAGE OF
HARRISON BY AMENDING SECTION 220 ENTITLED "TREES"

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

Village Attorney Kraut provided a brief explanation of the proposed revision. . He explained there is an existing ordinance, which is chapter 220, of our Town Code titled Trees. Essentially the current code requires that when a building permit is mandated and more then three trees are being removed, the owner has to submit plans showing the removal and the proposed replacement of the trees. We have discovered or time in instances where a building permit is not required however someone wishes to remove trees, there is a loophole that exists. The proposed modification removes from the statue the requirement that a building permit is being issued and also removes the numeric requirement that it be three trees and essentially now the proposed language is modified that when a tree is being removed that the owner of the property has to submit plans showing the removal of the tree and the replacement tree. That is what the subject matter is.

Supervisor Belmont asked for comments.

Harrison resident Robert Porto said he was opposed to changing this law and did not like that the law would require the property owner to submit plans.

Supervisor Belmont said currently, if you plan to remove a tree, you have to get a tree permit. You have to have a basic sketch of your property and you would mark on the sketch where the tree being removed is located. The revision would now include that same piece of paper where you are going to plant the new tree. The resident is already coming to Town Hall to get the permit when a tree gets taken down. The revision to the code would show where the tree is going to get replaced.

Village Attorney Kraut reiterated that the only change in the law is that a permit application, which already requires a sketch, which can just be a photocopy of the survey requires the resident to mark an "X" where the tree is that will be removed. The new requirement, if the law were to be passed, would be that elsewhere on that same piece of paper that you are already submitting, you would put another "X" indicating where you intend to plant a new tree.

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Deputy Village Attorney Cipolla explained that after conversations with the Supervisor's office the inclusion of and/or the Building Inspector who currently processes the tree removal applications suggested that it be included.

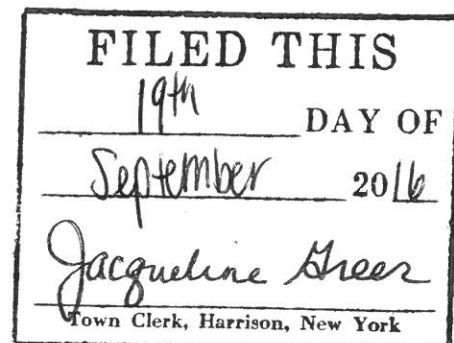
Harrison resident Christine Hughes said for clarification let's assume that at your house you have a dead tree is a permit required to remove it?

Supervisor Belmont replied yes. The permit is required to make sure the homeowner is protected and the arborist is licensed and insured.

Harrison resident Rich Dionisio said he was concerned at the time it would take to get a tree removal permit because of the backlog in the building department.

Harrison resident Kristina Masi spoke in favor of the proposed revision to the ordinance. She said in the last ten years she witnessed many trees being removed and very few replaced. I believe a change is necessary and it will be a great benefit for trees to be replaced when they are taken down.

Supervisor Belmont said the Public Hearing would remain open until the October 6, 2016 Town Board meeting.



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AUTHORIZATION TO HIRE UP TO 15 PART TIME SEASONAL EMPLOYEES
FOR LEAF SEASON

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Commissioner of Public Works, Anthony Robinson, for authorization to hire up to 15 part time seasonal employees, effective Monday, October 17, 2016 at a rate of \$13.00 per hour. These seasonal employees will supplement full time staff during leaf season. Further, funding for these positions is available in the Highway Operating Budget Account Number 003-5142-100-0172.

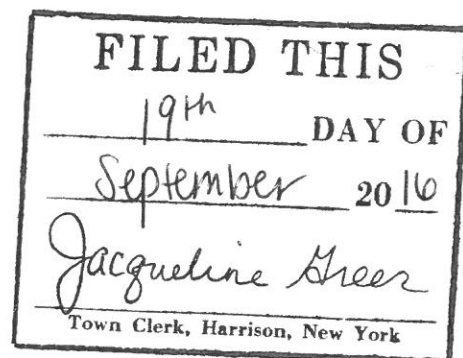
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Commissioner of Public Works, and the Personnel Manager.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



September 15, 2016

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AUTHORIZATION TO HIRE LISA RAGANO AS A PART-TIME
NON-COMPETITIVE LIBRARIAN I

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

RESOLVED to accept the request by Library Directory, Galina Chernykh, for
authorization to hire Lisa Ragano as a part-time non-competitive Librarian I. The work
week will not exceed 17.5 hours; base pay is \$28.00 per hour effective October 3, 2016.

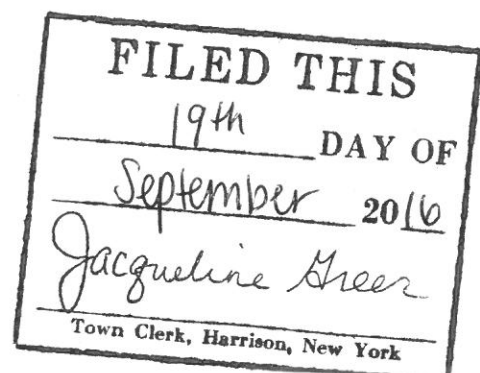
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the
Library Director, and the Personnel Manager.

Adopted by the following vote:

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

NAYS: None

ABSENT: None

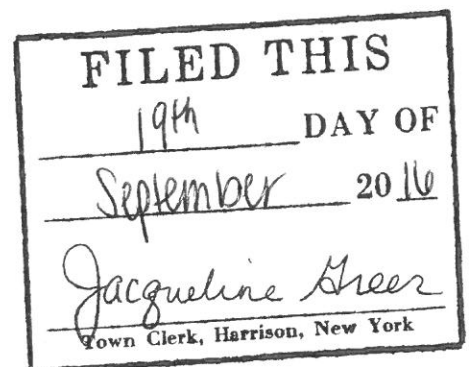


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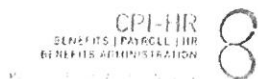
AUTHORIZATION TO RENEW THE ANNUAL CONTRACT BETWEEN
CORPORATE PLANS INC. D/B/A/CPI-HR AND THE TOWN OF HARRISON

Kirsan Tudman and Michael Grinnelli from CPI-HR gave the following presentation to the Board on Affordable Care Act reporting.



Affordable Care Act Report for Village/Town of Harrison

Presented by:



Enhancing People and Profit

Michael Grinnell, VP ✓

Kirsten Tudman, VP ✓



September 2016

Benefit Advisors
NETWORK



2015 Town/Village of Harrison

Background

Provisions of the Affordable Care Act (ACA) are now a reality, to include the employer mandate, employer notices and IRS employer reporting requirements. In preparation for ACA Audits, Town/Village of Harrison, now understands the economic impact of 1) paying one of the employer mandates two possible tax penalties instead of offering coverage that meets ACA requirements, 2) employer notices, timelines and penalties 2) IRS employee reporting mandates.

Methodology

We have evaluated the potential economic impact of these provisions and are currently tracking all variable hour employees. Further clarification on these provisions, as well as future changes to your plans and employee population, may result in a different outcome. Gaining an understanding of how these assumptions affect the outcomes will provide you with a framework for your strategic benefits planning. Due to Unions, Town/Village of Harrison is under contracts to provide certain benefits at set contributions.

Administration and Compliance

Summary of Benefits and Coverage (SBC) Plan information, must be provided at no charge to employees.

- Upon application, as part of the written application or enrollment materials.
- By first day of coverage, if there are any changes to the initial SBC.
- Within 90 days from enrollment for any special enrollee after a qualifying event.
- If employee has to actively elect to maintain coverage, or has the opportunity to change coverage options during an open enrollment period, the SBC must be given as part of the open enrollment packet.
- If renewal of coverage is automatic, no later than 30 days before the beginning of the plan year
- Within 7 business days after receipt of a request

For re-enrolling employees, you are only required to provide the SBC for the benefit option previously selected, unless participant requests an additional plan SBC.

90 Day limit on waiting periods All new hires in full time benefit eligible positions must be offered coverage within 90 days of hire. Town/Village of Harrison currently, follows this policy.

Plan Changes (plans are compliant)

- No annual dollar limits on essential benefits
 - Must cover routine costs for services rendered in a clinical trial for a life threatening disease
 - Must eliminate all preexisting conditions exclusions and limitations
 - Plan must limit out of pocket costs for covered essential benefits received in network, for 2016 limits are \$6,850. for single coverage and \$13,700. for family coverage
-

Full-time Employee

A full-time employee is an employee who is employed on average at least 30 hours of service per week, over your measurement period. Town/Village of Harrison applies a 12 month measurement period when making this determination.

ACA Policy on standard measurement, administration and stability periods for variable employees:

- Standard Measurement Period – Length of time allowed to evaluate an existing Employee's hours to determine their eligibility for the Health Plan. This time will run from December 1st through the next years to November 30th (12 months). This is an annual time frame and will occur every year.
- Standard Administrative Period – Length of time allowed for processing the eligibility paperwork and getting the existing Employee enrolled. This will run from the end of the Standard Measurement Period thru December 31. This is an annual time frame and will occur every year.
- Standard Stability Period – Length of time existing Employees are enrolled in the Health Plan after it is determined they qualify. This will run for a 12 month period from January 1 until December 31. This is an annual time frame and will occur every year.

Monitoring and Ongoing Evaluation: Following your ACA Policy, each new variable employee is monitored upon hire. CPI-HR receives monthly payroll data and provides Town/Village of Harrison a monthly tracking report has been measured. Using payroll data and dashaca.com we are currently measuring 298 variable hour employees.

Mandated Marketplace notices:

Must be given to each new hire within 14 days of hire. Town/Village is currently following this mandate.

Financial Impacts and Projections

Pay or Play: Although unrealistic due to current Union contracts, based on ACA, you can stop offering all coverage or minimum value/affordable coverage and face penalties.

Penalty #1: Applicable to Employers Who Do Not Offer Health Insurance Coverage to at least 95% of Full-time Employees (for 2016)

Beginning in 2015, Town/Village of Harrison was subject to a penalty for any month that they fail to offer its full-time employees the opportunity to enroll in "minimum essential coverage" under an eligible employer-sponsored plan, and at least one full-time employee has been certified to the employer as having enrolled for that month in coverage through a public Marketplace for which a federal premium subsidy is received. If the Town/Village does not offer health insurance coverage to at least 95% of full-time employees and at least one full-time employee purchases coverage through a public Marketplace and receives a federal premium subsidy, the Town/Village will be subject to a penalty equal to the product of the "applicable payment amount" and the number of full-time employees during the month. The penalty does not apply to the first 30 full-time employees. The "applicable payment amount" for 2016 is \$2,160. Annually per employee. It will continue to be indexed for inflation in future years.

Penalty #2: Applicable to Employers Who Offer Coverage that Fails to Satisfy the Minimum Value or Affordability Standards

If the Town/Village fails either the Minimum Value or Affordability standards, the Town/Village will be subject to a penalty equal to the product of the "applicable payment amount" and the number of full-time employees who purchase health insurance through a public Marketplace and receive a federal premium subsidy. The "applicable payment amount" for 2016 \$3,240 annually. It will continue to be indexed for inflation in future years. The number of employees is not reduced by 30 for purposes of calculating this penalty. Penalty #2 is capped at an overall limitation equal to Penalty #1 for an employer who does not offer coverage. In other words, the Town/Village will never be penalized more for offering "unaffordable" coverage than the employer would have been penalized for having offered no coverage at all.

Minimum Value Standard:

The plan must have at least a 60% minimum value (i.e., the plan must be expected to pay at least 60% of covered medical expenses across a typical population). Minimum Value consolidates a plan's various cost-sharing mechanisms, such as deductibles, coinsurance, and copayments, into a single measure that allows consumers to evaluate the plan's overall level of financial protection. The plan offered by the Town/Village plan meets minimum value at 85.3%.

Affordability Standard

For 2016, the premium for single coverage under the employer's lowest cost, minimum value compliant plan cannot exceed 9.66% of the employee's household income. Note that there are three "safe harbors" available in determining "affordability," permitting employers to use alternate measurements instead of household income, including an employee's current box 1 W-2 wages, the Federal Poverty Line or the employee's rate of pay. The Town/Village currently offers ACA affordable coverage to eligible employees. Due to Union contracts, all Union employee plans are ACA affordable.

Variable Employees: For non-union employees, ACA allows you to offer a Minimum Value/Affordable, less expensive plan (Bronze Plan) and follow all ACA laws to avoid penalties. Currently, the Town/Village does not offer a Minimum Value plan.

Employee Hours: Monitoring part-time and seasonal employee's hours to keep more employees under 30 hours per week plans to limit hours of part-time and/or seasonal employees.

While it seems tempting to limit hours to reduce the exposure to the penalty, there could be some risks to this strategy. Section 510 of the Employee Retirement Income Security Act bars discrimination for the purpose of "interfering with the attainment of any right to which [an employee] may become entitled." This means that if an employer reduces the number of hours that an existing employee works or terminates an employee for the sole reason of avoiding offering group health coverage to that employee, the employer could be subject to liability under Section 510 and be ordered to pay restitution and back pay to the employee and reinstate the employee.

If the purpose of reducing hours is a legitimate need to save money or reduce costs, it would be okay. If you decide to pursue the option of cutting hours or layoffs, you should be able to give valid business reasons for these actions other than to avoid the mandates under the ACA.

Cadillac Tax: In 2020 there will be a 40% excise tax on insurers of employer-sponsored health plans with aggregate values that exceed (numbers will be cpi indexed) \$10,200 for singles and \$27,500 for families. Cost of coverage is determined by applicable COBRA premiums plus FSA coverage includes both employee & employer contributions and HSA coverage includes employer & salary reducing employee contributions, including some voluntary plans.

- Employee's excess benefit = sum of monthly excess amounts for taxable period
 - Single coverage excess amount is anything over \$850 monthly
 - Family coverage excess amount is anything over \$2291 monthly

IRS Reporting

The Affordable Care Act requires insurers, self-insuring employers, and other parties that provide minimum essential health coverage (MEC) to report information on this coverage to the IRS and to covered individuals. You are also required to report information to the IRS and to your employees about your compliance with the employer shared responsibility provisions ("pay or play") and the health care coverage they have offered. This began in 2015 and was reported in 2016 to IRS and your employees. The Town/Village sends monthly information to CPI-HR to produce these IRS required forms. CPI-HR monitors the following items for all full time equivalent employees: Employee ID, Employee Name, Date of Hire, Date Terminated, Employee Status, Employee Type, Pay Type, Pay Rate, Hours Worked, and Minimum Value Coverage offered. For 2015, CPI-HR issued 559 1095s for the Town/Village.

September 15, 2016

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AUTHORIZATION TO RENEW THE ANNUAL CONTRACT BETWEEN
CORPORATE PLANS INC. D/B/A/CPI-HR AND THE TOWN OF HARRISON

On motion of Councilman Stout, seconded by Councilman Sciliano,

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 2016 until September 2017, at an annual cost of \$14,750. The fee for the 2015/2016 contract was \$16,000. Funding for this contract is available in budget line 001-1900-100-4407.

FURTHER RESOLVED that the Law Department has reviewed this contract and found it to be in order authorize the Supervisor to execute it.

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

September 15, 2016

2016 - - 356 (Continued)

AUTHORIZATION TO RENEW THE ANNUAL CONTRACT BETWEEN
CORPORATE PLANS INC. D/B/A/CPI-HR AND THE TOWN OF HARRISON

On motion of Councilman Stout, seconded by Councilman Sciliano,

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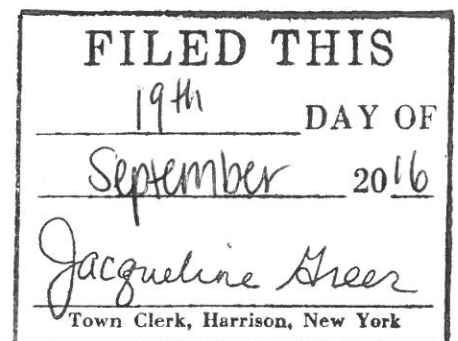
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



September 15, 2016

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AUTHORIZATION TO ATTEND A CONTINUING EDUCATION CLASS TITLED
"PAVEMENT DESIGN"

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Town Engineer, Michael Amodeo, for authorization to attend a Continuing Education Class titled "Pavement Design" in Tarrytown, NY on September 22, 2016 at a cost not to exceed \$269.00. Funding for this workshop is available in the Engineering Department Operating Budget

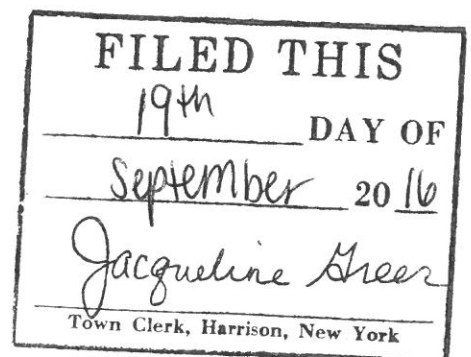
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, and the Town Engineer.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



September 15, 2016

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AUTHORIZATION FOR THE CONSIGILIERE FAMILY TO HOLD
A HAUNTED HOUSE BETWEEN ELLSWORTH AVENUE AND POST PLACE
ON MONDAY, OCTOBER 31, 2016

On motion of Councilwoman Malfiatno, seconded by Councilman Amelio,

it was

RESOLVED to accept the request by the Consigliere Family to close a partial section of Webster Avenue, between the corner of Ellsworth Avenue and Post Place in order to extend their annual haunted house on Monday, October 31, 2016 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.

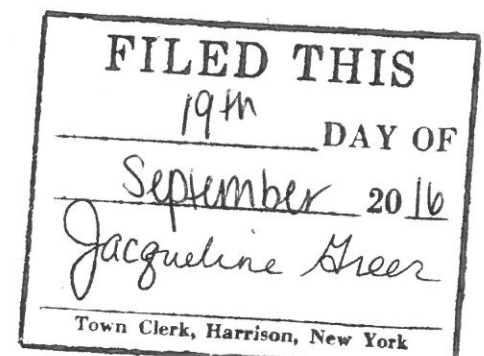
FURTHER RESOLVED to forward a copy of this Resolution to the Department of Public Works, the Chief of Police, and the Consigliere Family.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



September 15, 2016

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AUTHORIZATION TO ACCEPT A DONATION FROM
THE BENEVITY COMMUNITY IMPACT FUND

On motion of Councilwoman Amelio, seconded by Councilman Stout,

it was

RESOLVED to accept the request by Superintendent of Recreation, Gerry Salvo, for authorization to accept the following donation from The Benevity Community Impact Fund in the amount of \$3,750.00.

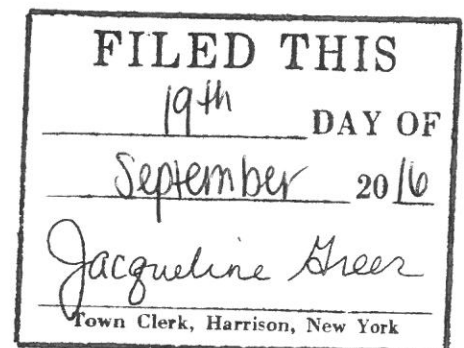
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Superintendent of Recreation.

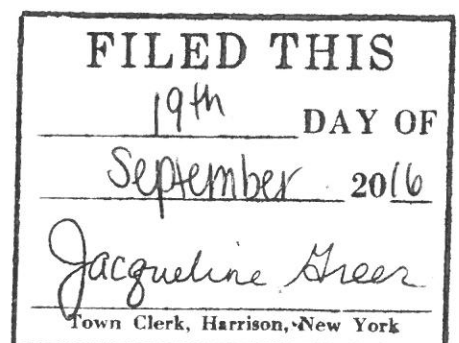
Adopted by the following vote:

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

NAYS: None

ABSENT: None





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AUTHORIZATION TO AWARD A BID FOR THE RENTAL OF 20-YARD
CONTAINERS TO AAA CARTING AND RUBBISH REMOVAL INC.

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by the Purchasing Department to award bid for the Rental of 20-Yard Containers to AAA Carting and Rubbish Removal Inc. at a net bid price of \$53,000.00. Funding is available in the Highway Department Operating Budget Line #003-5110-100-04-16.

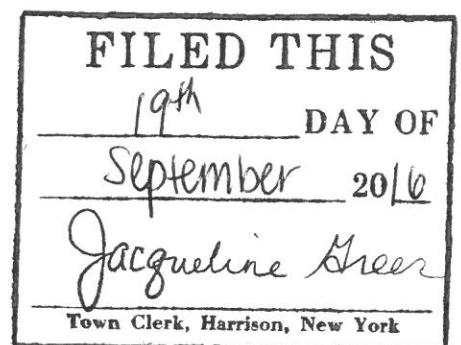
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Town Engineer, and the Purchasing Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



September 15, 2016

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AUTHORIZATION TO APPROVE EXTENSION OF THE MUNICIPAL SNOW AND
ICE AGREEMENT FOR THE 2016/2017 SNOW SEASON WITH THE NEW YORK
STATE DEPARTMENT OF TRANSPORTATION

On motion of Councilman Sicilano, seconded by Councilman Stout,

it was

RESOLVED to accept the recommendation by Deputy Village Attorney, Christopher Cipolla, that the Town Board approve the Extension of the Municipal Snow and Ice Agreement for the 2016/2017 snow season with the New York State Department of Transportation.

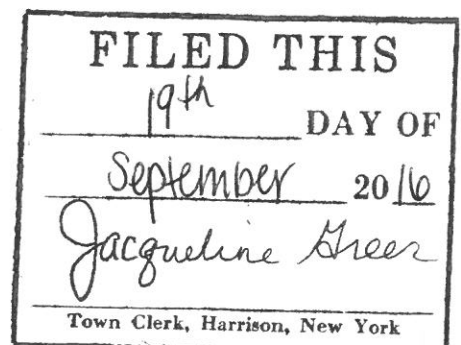
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



September 15, 2016

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AUTHORIZATION TO APPROVE THE STERLING ROAD SUBDIVISION
ESCROW AGREEMENT BETWEEN STERLING ROAD CLINTON LANE, LLX
AND THE TOWN OF HARRISON

On motion of Councilman Stout, seconded by Councilman Siciliano,

it was

RESOLVED to accept the recommendation by Village Attorney, Jonathan D. Kraut, that the Town Board approve the Sterling Road Subdivision Escrow Agreement between Sterling Road Clinton Lane, LLC and the Town and Village of Harrison. This agreement has been signed by an authorized signatory of Sterling Road Clinton Lane, LLC and is being held in escrow awaiting Town Board approval

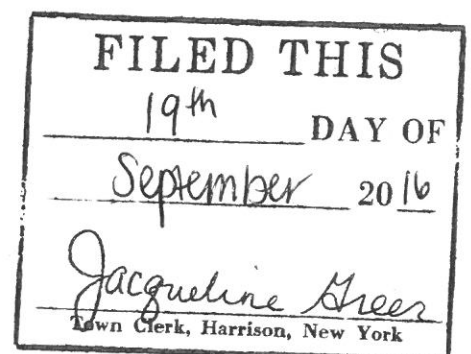
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



September 15, 2016

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AUTHORIZATION TO SIGN THE AGREEMENT WITH THE ONLINE AUCTION
COMPANY AUCTIONS INTERNATIONAL

On motion of Councilman Sicilano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the request by Coordinator of Computer Services Michael Piccini for authorization for the Supervisor to sign the agreement with the online auction company Auctions International, which has been approved by the Law Department.

FURTHER RESOLVED for authorization to auction the following piece of equipment using Auctions International, at no cost to the Town:

Equipment

2005 Ford Crown Victoria

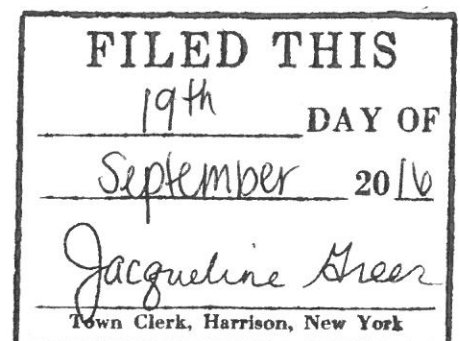
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Coordinator of Computer Services.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



September 15, 2016

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OLD BUSINESS

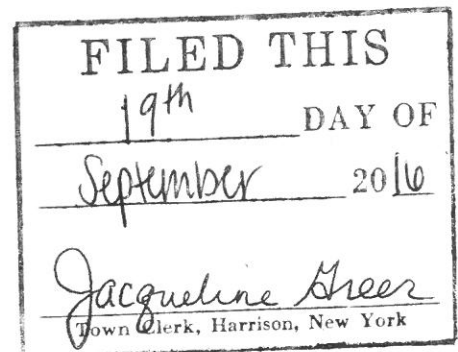
Harrison resident Robert Porto said he was disappointed that the Board approved Crown Castle's request to put cell towers and antennas on poles in Harrison. He went on to say that Rye didn't approve them and instead went to outside counsel for advice. Mr. Porto then addressed the new LED lights. He also spoke against the bonding and interest rates.

Harrison resident Glenn Daher discussed the walk through at the Quarry and the balloon floating test. I would like to make an official request to suggest that balloons be floated on the corners at the absolute height of the building for about a week or two so when you are driving by you can actually see the height of the building. I would like to ask that balloons be floated along the perimeter of the building, maybe every 25 or 50 feet at the height of the building so people get a good visual of it.

Supervisor Belmont agreed that was a good idea.

Harrison resident Chris Rodier asked the Board what is the annual cost to tax payers for the part time Library Assistant.

Supervisor Belmont replied by explaining that the money is in the budget and the Library Board would have this information.



September 15, 2016

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MATTERS FOR EXECUTIVE SESSION

Personnel: 3
Litigation: 2
Collective Bargaining: 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 8:26 PM.

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
declared closed at 1:00 AM.

Respectfully submitted,

Jacqueline Greer
Town Clerk

