

January 19, 2012

A regular meeting of the Town Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Thursday, January 19, 2012, at 7:30 PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Ronald Belmont Supervisor

Marlane Amelio)

Joseph Cannella) Councilpersons

Stephen Malfitano)

Fred Sciliano)

ALSO ATTENDING:

Frank Allegretti Town Attorney

Fred Castiglia Deputy Town Attorney

Christopher Cipolla Deputy Village Attorney

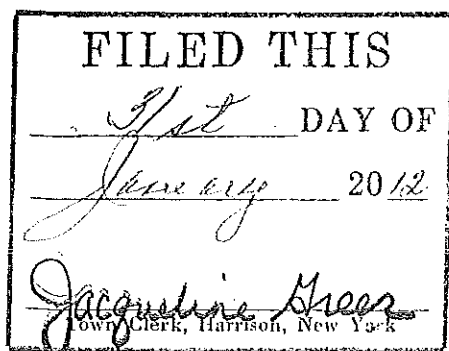
Maureen MacKenzie Comptroller

Anthony Marraccini Chief of Police

Robert FitzSimmons Building Inspector

Copies to:

___ Assessor
___ Benefits
___ Bldg
✓ Compt'r
✓ Engrng
✓ Law
___ Police
✓ P. Wrks
✓ Purch'g
___ Recr'tn
✓ Supvs'r



January 19, 2012

2012 - - 022

INVITATION TO ALL RESIDENTS BY KIM DEBALD, CO-PRESIDENT
OF THE LMK PTA RE: THE SCHOOL'S FUNDRAISER

Harrison resident Kim Debald, Co-President of the Louis M. Klein (LMK) PTA would like to invite Supervisor Ron Belmont, the Town Board and the entire community to their fundraiser to be held on January 26, 2012 at 7:30 p.m. at The Mansion on Broadway in North White Plains. It will be a night of cocktails, hors d'oeuvres, auction, raffles and more. All money raised will go to fund and support programs sponsored by the LMK PTA.

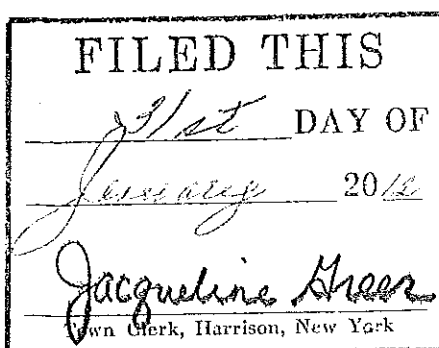
ANOUNCEMENT BY SUPERVISOR BELMONT
RE: ROBO-CALLS

Supervisor Belmont explained that last Friday (January 13, 2012) a thirty inch water main broke in Eastchester causing serious water discoloration to a large portion of Harrison. Robo-calls were made but the Supervisor was informed that many residents did not receive the calls. His office is working in conjunction with the Westchester Joint Water Works to rectify the notification problem.

Supervisor Belmont asked for those who did not get notification to call his office to be put on the robo-call list.

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r
☐



January 19, 2012

2012 - - 023

ACCEPTANCE OF CORRESPONDENCE AND REPORTS:

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the following correspondence and reports:

- 1a. Monthly report by the Town Clerk for December 2011.
- 1b. Monthly report by the Superintendent of Recreation for December 2011.
- 1c. Quarterly report by the Library Director for October, November, and December 2011.
- 1d. Monthly report by the Building Inspector for December 2011.
- 1e. Monthly report by Fire Prevention Bureau for December 2011.
- 1f. Monthly report by the Receiver of Taxes for December 2011.

Adopted by the following vote:

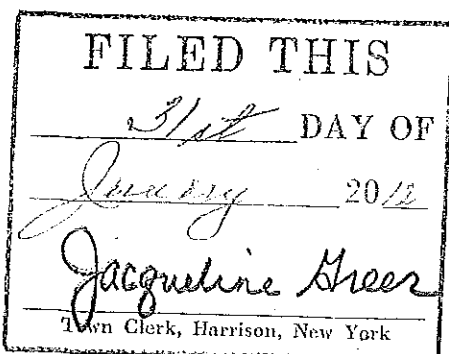
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

- ___ Assessor
- ___ Benefits
- ___ Bldg
- ✓ Compt'lr
- ✓ Engrng
- ✓ Law
- ___ Police
- ✓ P. Wrks
- ✓ Purch'g
- ✓ Recr'tn
- ___ Supvs'r



January 19, 2012

2012 - - 024

PUBLIC HEARING – CONTINUATION OF PUBLIC HEARING
RE: PETITION FOR THE REZONING OF GRANT AVENUE AND OAKLAND AVENUE

On motion of Councilman Cannella, seconded by Councilman Sciliano, with all members voting in favor, the Hearing was reopened. Councilman Malfitano recused himself.

Public Hearing:

Councilman Malfitano explained that he has a conflict with respect to the issue that is about to be heard. He stated his family owns a parcel of property in the subject area that is being discussed for possible re-zoning. He recused himself from the process and excused himself from the meeting. He stated "I certainly don't want to appear to have any conflict whatsoever in what is about to be discussed. Thank You."

Town Attorney Allegretti informed the Board that he has been conversing regularly with Mr. Paul Noto, the applicant's attorney with respect to this matter. As part of the public hearing record there are zoning and planning documents with respect to a particular application made in 2006. The documents are for a zoning use variance for property located at 67 Grant Ave. The variance was for recreation use with respect for the building at that property. Mr. Allegretti advised Mr. Noto that since this public hearing started in December prior to at least the Supervisor being on the Board perhaps he would want to refresh the Board as to the application.

Attorney for the Applicant, Paul Noto explained he did not expect any action to be taken during this meeting as he indicated in his letter of January 13, 2012. To proceed further, the Board would have to consider another section of the Zoning code that prohibits multi-uses in the business district. There are two issues here that seem to conflict. The issue is the re-zoning of these properties which historically have been in a commercial use. They are in a "B" zone and one of the petitioners is not Berlanti. This has nothing to do with the Berlanti property. The Berlanti owners have no participation in this process whatsoever. Historically this area has been used in a commercial way. It has been like this for forty or fifty years. They are in a "B" zone so they are in a residential zone, so they are technically legal non conforming uses. Although over the years these uses have changed from warehouse, storage, office and whatever commercial uses have been appearing. In March of last year they were issued violations by the building department because they are non- conforming and they are operating business in the "B" zone. These individuals cannot lease out part of their properties to new tenants. They can't undertake anything with the buildings because of the violations and the non-conformities. Mr. Noto met with the building department and it was their recommendation that Mr. Noto proceed with a petition for re-zoning to make the actual use of the properties confirm to the zoning code. He appeared in November for the first public hearing on the re-zoning. At that time some of the neighbors spoke to express some concerns. Those concerns were not with the present non-conforming uses of the property. They were concerned if the lots were to be re-zoned to General Commercial there would be the potential for change to exist. He requested that the Board look at the provision of the code in conjunction with the re-zoning application and so the Board can get

the properties out of the quandary they are in. A use variance was granted in 2007 for a small fitness center to be at 67 Grant Ave. A use variance had been granted for that. We cannot move forward with an application for a use variance because of this non confirmatory issue. The only way he could see this issue being addressed is if the properties were re-zoned to conform to the use. Look at the 235-11 in conjunction with this application and bring us back at the proper time to continue with the public hearing.

Councilman Cannella questioned the disconnect between the peripheral application with respect to the fitness center and the definition of small. He was concerned that some of the buzzwords he heard were potentially up to 30 people. He was not sure that he heard from either Mr. Noto's client or someone else. He assumed Attorney Noto represented him.

Attorney Noto explained he represented today's proposed tenant. It is a slightly different operation. He thought the operation for the application in 2007 was bigger. This one is a small essentially appointment only type of personal training facility. It is not a New York Sports Club.

Councilman Cannella thought Mr. Noto had mentioned potentially as many as 30 participants. He doubted that was by appointment.

Councilwoman Amelio questioned if the zoning would still have to be changed to include recreation because of the current business use.

Town Attorney Allegretti explained that the current schedule of use is addressed as recreation. It says under Health, Maintenance, Rehabilitation, and fitness centers are not a permitted use in the GC zone. Mr. Noto is looking for a modification or a classification of that part of the application that differs from how it is currently defined.

Councilman Cannella stated there are two ways to do this. Number one is to fit it into a zone that currently exists and the other way to deal with it is to create or redefine the General Commercial Zone. He questioned how many areas are currently zoned for General Commercial?

Building Inspector Robert FitzSimmons answered Councilman Cannella's question by stating that Grant Street at Osborn (intersection at Intercontinental) is the only other General Commercial area.

Councilman Cannella recalled some of the concerns from the neighbors. As he understood it, they accepted the uses that were currently there but were concerned about expansion or changes that may not be completely thought through. It leads to the invitation, since we are not using our General Commercial Zone, how we would like to define the General Commercial Zone in the future. He did understand that when the planning board referred this back to the Board, after the building department issued all the citations, that particular uses were not what they looked at all.

Attorney Noto explained it was made as part of the application. It was intended to explain it to the Board. He explained this was not about the gym.

Councilman Cannella stated: It is and it is not. If the Board creates a zone that provides for that type of use as being acceptable, on a start up basis, as compared to any pre-existing use that may have already been there, which would be a non conforming pre existing use, that is different. Other then going through site plan review they have a leg up obviously on that use. Would that zone be appropriate for "retail type of activities" with no limit on the size? Where are those cars going to go? We have parking issues in that area? There is enough parking for what's there but if you start putting significant retail use there is not enough. I think we really need to look at how we define a zone.

Attorney Noto explained the Zoning Board gave a use variance. He believed because a variance was granted four years ago, the Board would have a difficult time denying one for a smaller facility.

Councilman Cannella stated: Not if we re-zone the property.

Attorney Noto agreed, but explained this is a process that has to be untaken internally with the town. He provided Mr. Allegretti with some language that might have refined the issue of the facility, size, etc.

Town Attorney Allegretti brought to the attention of the Board that Mr. Noto provided information in an email, which was not put in the letter submitted to the Board. Mr. Allegretti further explained that Mr. Noto would be inclined to limit or redefine the use to no more then 20 patrons or employees.

Attorney Noto explained to the board that it was specific to this type of use, to make it small. It was to address the Boards issues about opening it up to a New York Sports Club facility, which is not the intent. Mr. Noto suggested he was looking for internal direction from the Board. He considered the Board was proposing a more general review of the General Commercial Zone town wide.

Building Inspector Robert FitzSimmons opined that it was an opportunity for the Board to redefine the General Commercial Zone. Parameters could be set as how the Board wants that area to grow and go forward. One of the things in our discussions with Mr. Noto was to speak with the business owners and come up with the uses they would like to see in their buildings and how they would like to use their properties. If they fit in what is currently permitted or if they didn't fit request those be added if we were using the current General Commercial zone as a starting point. Even just the rezoning doesn't resolve the violations. The properties that have the multiple uses will all have to come in to get new site plan approvals for the uses that they currently have in there. We have no record on file of the uses. The best possible way to resolve the issue is have them seek the re-zoning or go through the process of planning board and zoning board for every applicant.

Councilman Canella stated: I think to redefine what this should be is a little more tedious. But what we should do keeping in mind are the pre existing uses that have been there have not been abandoned or altered; so they are entitled to be there. No one is talking about cutting back on any of that. More in terms of defining where it can go from here and what we want.

Building Inspector Robert FitzSimmons explained the Planning Board is the board that writes the zoning ordinances.

Councilman Cannella asked Mr. FitzSimmons what he thought about the building department coming up with a course of action.

Councilwoman Amelio asked Mr. FitzSimmons how long have they been in violation?

Building Inspector FitzSimmons Replied: Since March of 2011. He stated: We need to define what we, as the town, would like to see, how the buildings are utilized, as well as to what the owners of the buildings would like to see. We need to see if there is some happy medium as far as what uses can be permitted in that zone and limit it through zoning to those specific uses going forward and at the same time satisfy the violation issues.

Town Attorney Allegretti suggested an option is for any of the uses being contemplated the Board can make that a Special Exception use which would force it to come before the Town Board for approval after the Planning Board.

Building Inspector Robert FitzSimmons stated: You can put the control on any particular use that you wanted to have more regulation on by establishing a Special Exception tag. None of that is in our general commercial zone. It is a re-definition of what we want to see the general commercial zone to be.

Councilman Cannella asked Mr. FitzSimmons if the building department would take the lead. He further stated: You are best equipped. You know what's there; you know what the goal is. It is to put everybody in compliance. You know the history of it. Why start over with the Planning Board. I think it starts with the Building Department.

Supervisor Belmont stated: That Sounds like a good idea Bob, Thank you.

Town Attorney Allegretti asked if the Board is inclined to look at Zoning Ordinance: 235-11 regarding the prohibition of more than one use in the business zone. If the Board so chooses he will re-draft the ordinance for all business uses except for the SP zones.

Attorney Noto welcomed the opportunity to participate in that process. He and his clients will meet with the building department and discuss it.

Town Resident Ernie Fiore explained he is member of the Zoning Board but was not here to talk as a member of the board or not on anyone else's behalf on the board. He was here because he'd been invited to be here by this letter that I and my neighbors received to notify us that the proposed zoning in the area was to be discussed. Speaking from his experience on the Board he stated the Board was correct. The Zoning Board hardly ever issues a use variance but one was done for this property. The Zoning Board listened to what was at hand and the applicant got it.

All the residents received a letter notifying us of this impending change. It states "Indoor Recreation Facility": changing the zoning for Block 152 (Lots 3, 8, 13, 14, 16, 24 and 25) from existing B Two Family Zone District to GC – General Commercial Zoning District.

The issue is for the recreational facility that Mr. Noto presented us back in November. The only change should have been on that building in the exterior which is 67 Grant Avenue. As we said he did get planning and zoning approval. So why are we trying to re-zone here? It is about the violations. You want to absolve the property owners of these violations. What is missing is the sensitivity to the neighbors.

I'm going to give you a resident's point of view. You would review the benefits to the commercial property owners if the rezoning is granted as weighed against the health, safety, welfare of the neighborhood. That would mean that the commercial property owners would be absolved of the current violations. The residents would get more noise and traffic. The resident's property value will decrease due to the direct proximity of a General Commercial zone. Another issue would be flooding. How can you even think of rezoning something in a place like this where you don't fix it first? On top of that some of the buildings reside in a flood plane. Those buildings are right in the middle of a flood zone. Lastly, was this self created? Most certainly. The owners chalked up these violations. We know they have every right there. They are pre-existing non-conforming in the B zone.

Just to sum it up: The recreation facility was approved five years ago by Planning and Zoning. Block 152 (Lot 3) is a residential building, not to be rezoned to GC. The purpose of the rezoning is to absolve the commercial building owners of the current violations. That is what this is all about.

Councilman Cannella explained from the Board's perspective the reason the Board was not inclined to just accept the planning board determination and just simply re-zone the property as it now sits was specifically because of the concerns expressed here by the neighbors. It was not in disregard for it. It was the opposite. We are trying to deal with the issue in a way that in fact does not allow for expansion of uses that would be detrimental to the neighborhood but restrict them in a way that would make sense.

Town resident Ernie Fiore stated: We do not want General Commercial "tag" in that area. You are inviting expansion for the future. Mr. Fiore submitted a copy of the Public Notice Letter and map.

Town resident Sal Malfitano stated: I am here on behalf of my corporation, The Berlanti Reality Corporation, which I am President. We are not applicants to the petition that is before the board to consider the rezoning of the area on Oakland Avenue although I own property that is located in the area that is under consideration. We need to address the needs of our neighbors. I was not notified formally that this matter was being brought before the board.

As far as the re-zoning, I don't have an objection to this but I do have reservations and concerns. One thing about re-zoning that I think the board should consider, is that when it pertains to an area such as ours, we are a commercial operation. Concerns I have with re-zoning is the

restrictions. If you do re-zone this area, you need to have concise, and not subject to re interpretation restrictions by any property owner in that area. Under no circumstances would there ever be permitted a recycling facility or anything that resembles one. This should be incorporated in any re-zoning that you decide on. I'm concerned about the height restrictions. Parking is another concern.

I'm in favor of this, but on the other hand, if you do proceed on this and consider voting in favor of it, these restrictions I talked about should very clearly be put into the language of the zoning so that there can be no room for interpretation.

Town resident Roy Aletti: Submitted a petition from the residents in the area against the proposed zoning change. Mr. Aletti Stated: What everyone has admitted to is that a lot of businesses have operated technically "illegally" for a number of years. Now the building department has caught up to it. You don't reward the law breaker. If they are found to not be following the law I don't understand why they would be rewarded with "well we will rezone it". Secondly that is a flood zone area.

Town resident Sal Malfitano stated: I have been involved with the property for years. My wife's family goes back to the 1930's. My involvement really goes back to the 1970's. If I remember correctly we were re-zoned from CB to residential. With respect to flooding, this has always been an issue. This is nothing new. I wouldn't want to put the onus of flooding on anything that is going on in a commercial sense in the area now. I can't imagine where there is any room in that area for any existing business to expand substantially. If you do take this into consideration the language should not be vague. Language has to be tight. To give someone the freedom to act beyond those restrictions, and if you make those restrictions tight enough, I don't think anyone in the neighborhood has to be too concerned about expansion in this area.

Town resident Atilio Rossi explained he owns property on Park Avenue and he is concerned about the possibility of expansion. He submitted pictures. All of these (pictures) were added illegal.

Councilmen Cannella stated: I want to assure everyone that anything that happens here is going to be done very carefully. We are fully aware of what the risks are. Everyone on the board appreciates the risk.

Town resident Ernie Fiore stated: We have gotten reports that the nursery facility there has machines that break rock into gravel and we got this first hand from the residents who live on Park Avenue who are right behind it. I don't believe it happens at night but these activities do take place from time to time.

The Hearing was adjourned until the February 29, 2012 meeting.

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☒ Recr'tn
☐ Supvs'r

FILED THIS

11th DAY OF

January 2012

Jacqueline Greer
Town Clerk, Harrison, New York

January 19, 2012

2012 - - 025

APPROVAL FOR THE ADDITIONS TO THE
RECREATION PART TIME AVAILABILITY LIST

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Superintendent of Recreation Gerry Salvo for the following additions to the Recreation Part Time Availability List:

<u>NAME</u>	<u>HOURLY</u>
Angela Fazzino	\$10.00
Tina Stowell	\$ 8.50

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

Adopted by the following vote:

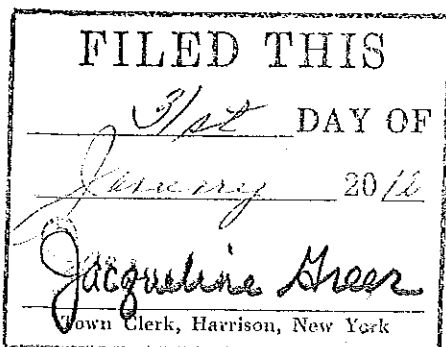
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r



January 19, 2012

2012 -- 026

CONFIRMATION FOR THE REAPPOINTMENT OF DIANE SAMMONS
TO A THIRD TERM AS TRUSTEE OF THE HARRISON PUBLIC LIBRARY

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to approve the confirmation for the reappointment of Diana Sammons to a third term as Trustee of the Harrison Public Library, effective January 1, 2012 through December 31, 2016.

FURTHER RESOLVED to forward a copy of this Resolution to the Harrison Public Library Board of Trustees.

Adopted by the following vote:

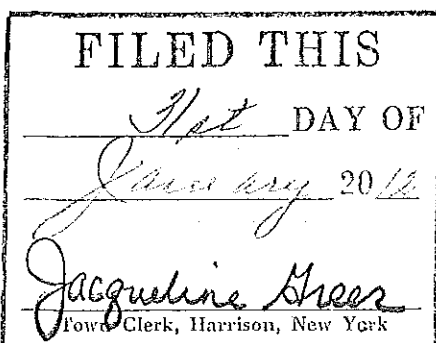
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☒ Eng'ng
☒ Law
☐ Police
☒ P. Wrks
☐ Purch.
☒ Rec'd
☐ Supvs



January 19, 2012

2012 - - 027

APPROVAL FOR LT. MICHAEL OLSEY TO ATTEND
ASHFORD UNIVERSITY COLLEGE
FOR THE WINTER 2011/2012 SEMESTER

On motion of Councilman Cannella, seconded by Councilman Malfitano,

it was

RESOLVED to approve the request by Chief of Police Anthony Marraccini for authorization for Lt. Michael Olsey to attend Ashford University College for the 2011/2012 Winter Semester at a total cost of \$2,508.51 for the following courses:

“Criminal Justice Capstone – CRJ422”

“Introduction to Film”

FURTHER RESOLVED that the Comptroller, upon satisfactory completion and submission of Sgt. Olsey’s attendance, and submission of proof of payment, be authorized to audit and pay for expenses as outlined in the contract with the HPA.

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

Adopted by the following vote:

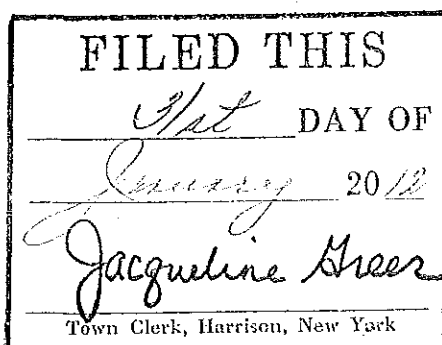
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

___ Assessor
___ Benefits
___ Bldg
___ Compt’lr
___ Engng
___ Law
___ Police
___ P. Wrks
___ Purch’g
___ Reer’tn
___ Supvs’r



January 19, 2012

2012 - - 028

AUTHORIZATION FOR DIRECTOR OF COMMUNITY SERVICES NINA MARRACCINI
TO ACCEPT DONATIONS FOR THE HARRISON FOOD PANTRY

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Director of Community Services Nina Marraccini for authorization to accept the following donations in the amount of \$3,050 for the Harrison Food Pantry:

Anonymous donor	\$1,000
Anonymous donor	\$ 50
Janice and Michael Goldstein	\$1,000
Anonymous donor	\$1,000

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

Adopted by the following vote:

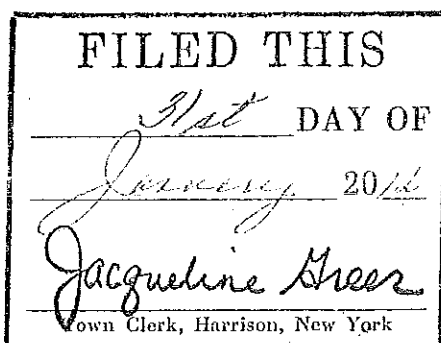
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Rear'n
☒ Supvs'r
☐



January 19, 2012

2012 - - 029

APPROVAL FOR THE 180 DAY EXTENSION OF THE TIME FOR A BUILDING PERMIT
FOR LIFE TIME FITNESS

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Frank McCullough, attorney with the law firm of McCullough, Goldberger & Staudt, on behalf of their client Life Time Fitness, 1 Gannett Drive, for authorization for a 180 day extension for a building permit, until August 13, 2012.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Commissioner of Public Works and Mr. McCullough.

Adopted by the following vote:

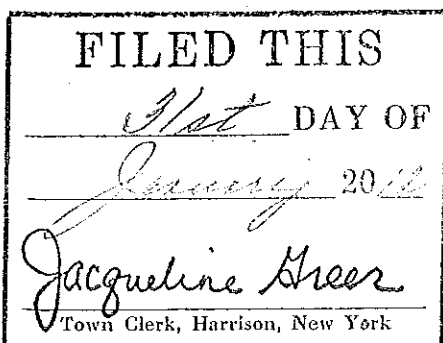
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Works
☒ Purch'g
☐ Recr'tn
☒ Supvs'r
☐



January 19, 2012

2012 - - 030

APPROVAL TO SET THE DATE OF FEBRUARY 2, 2012 FOR A PUBLIC HEARING
RE: AN AMENDED SPECIAL EXCEPTION USE PERMIT TO MODERNIZE, IMPROVE
AND MAINTAIN SEVERAL ASPECTS OF CENTURY COUNTRY CLUB

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Scott Blakely, Sr. Vice President of Institute Engineering, Surveying & Landscape Architecture, on behalf of his client Century Country Club to set the date of February 2, 2012 for a Public Hearing for an Amended Exception Use Permit to modernize, improve and maintain several aspects of the club.

FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, the Building Inspector, the Commissioner of Public Works and Mr. Blakely.

Adopted by the following vote:

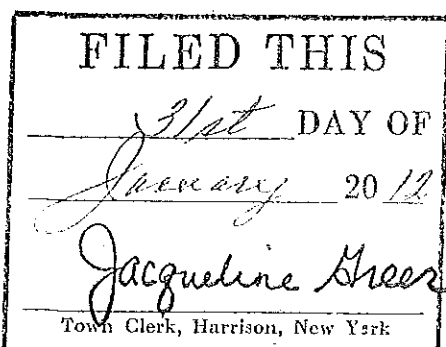
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r



January 19, 2012

2012 -- 031

APPROVAL FOR COMPTROLLER MAUREEN MACKENZIE TO TRANSFER FUNDS
FROM CAPITAL ACCOUNT 01PO12 TO THE POLICE DEPARTMENT'S BUDGET LINE
#001-3120-100-220.

Notification by Comptroller Maureen MacKenzie that on August 1, 2001, the Town Board adopted resolution number 2001-387, which approved the transfer of \$50,000 from police budget lines to be used towards the purchase of a security system for the police department. These funds were segregated in the Capital Fund in capital number 01PO12.

Subsequently the Police Department received a grant for a portion of the security system that was installed. There is \$36,455.07 remaining in the account.

During the 2012 budget process for the police department, the Chief had requested to reconfigure the dispatch area at police headquarters. The amount requested was \$35,000.

At this time Comptroller Maureen MacKenzie is asking the board to approve the transfer of \$36,455.07 from Capital Account 01PO12 to budget line number 001-3120-100-220 to cover the cost of the reconfiguration of the dispatch area.

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Comptroller Maureen MacKenzie for authorization to transfer \$36,455.07 from Capital Account 01PO12 to the Police Department's Budget Line #001-3120-100-220 to cover the cost of the reconfiguration of the dispatch area.

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

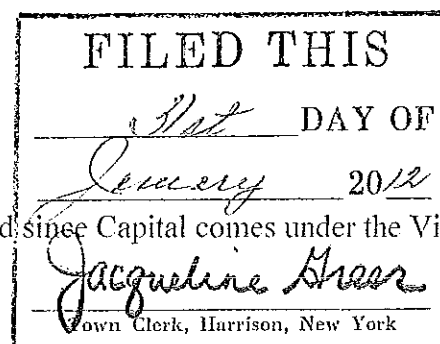
Adopted by the following vote:

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

NAYS: None

ABSENT: None

This Resolution was also approved by the Village Board since Capital comes under the Village and the Police Department comes under the Town.



Copies to:

☐ Assess
☐ Bone
☐ Bldg
☒ Compt
☒ Engng
☒ Law
☐ Police
☒ P. Wks
☒ Purch
☐ Rec'd
☒ Supvs

January 19, 2012

2012 -- 032

AUTHORIZATION TO PLACE \$116,969.34 FROM FEMA
IN A CAPITAL ACCOUNT TO ENABLE THE TOWN TO RECTIFY
VARIOUS DRAINAGE AND SANITARY SEWER ISSUES

Notification by Town Engineer Michael Amodeo that last month he announced that the Town was receiving \$496,346.28 from FEMA for eligible work on the Main Street Sanitary Sewer and Roadway Improvement Project. In meeting with FEMA staff to secure these funds he found we were able to apply for our "in-house" survey and design portions of the project.

Mr. Amodeo is please to again inform the Board that the Town has received an additional \$116,969.34 from FEMA for these "in-house" services, bringing the total reimbursement for the Main Street project to \$613,315.62; which is over half of the project cost.

It is requested that these funds be placed in a capital account that will enable the Town to rectify various drainage and sanitary sewer issues.

On motion of Councilman Sciliano, seconded by Councilman Cannella,

it was

Resolved to approve the request by Town Engineer Michael Amodeo for authorization to place \$116,969.34 received from FEMA for "in-house" survey and design portion of the work on the Main Street Sanitary Sewer and Roadway Improvement Project.

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

Adopted by the following vote:

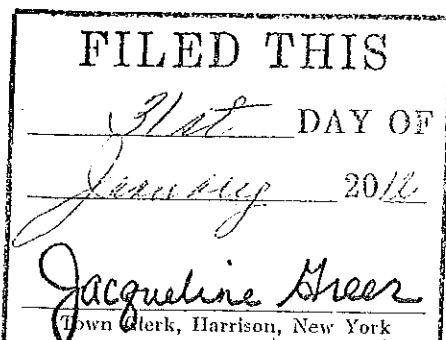
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☒ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☒ Recr'tn
☒ Supvs'r



January 19, 2012

2012 -- 033 -- a

APPROVAL TO AMEND TBR#2012-001-z-19

On motion of Councilman Malfitano, seconded by Councilman Cannella,

it was

RESOLVED to amend TBR#2012-z-19 re-affirming the required procedures for Public Works projects to read as follows:

<u>Dollar Limit</u>	<u>Procedure</u>
\$1 - \$9,999	At the discretion of the Purchasing Department
\$10,000 - \$19,999	Documented quotes to be obtained by the Purchasing Department from at least three vendors (if available)
\$20,000 - \$34,999	Written/fax quotes to be obtained by the Department of Public Works from at least three vendors (if available) and sent to the Supervisor for approval
\$35,000	Formal, sealed bids in conformance with General Municipal Law Section 103 and sent to the Town Board for approval

All purchases in excess of \$35,000 require Town Board approval.

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

Adopted by the following vote:

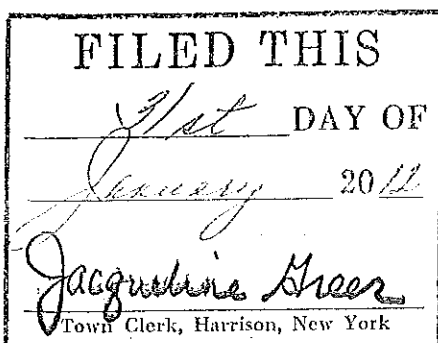
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☐ Purch'g
☒ Recr'tn
☐ Supvs'r



January 19, 2012

2012 - - 033 - - b

APPROVAL TO AMEND TBR#2012-001-z-20

On motion of Councilman Malfitano, seconded by Councilman Cannella,

it was

RESOLVED to amend TBR#2012-z-120 re-affirming the required procedures for the purchase of commodities, equipment or goods to read as follows:

<u>Dollar Limit</u>	<u>Procedure</u>
\$1 - \$4,999	At the discretion of the Purchasing Department
\$5,000 - \$9,999	Written/fax quotes to be obtained by the Purchasing Department by at least three vendors (if available)
\$10,000 - \$19,999	Written RFP to be obtained by the Purchasing Department from as many vendors as possible, but at least three (if available) and a Purchase Order and sent to the Supervisor for approval.
\$20,000 and up	Formal, sealed bids in conformance with General Municipal Law Section 103 and sent to the Town Board or Village Board for approval.

- Exceptions:
- A. Purchases under State and/or County contracts;
 - B. Purchases from the Department of Corrections and/or Industries for the Blind or NYS Industries for the Disabled.
 - C. Emergency purchases
 - D. True leases
 - E. Personal Service contracts
 - F. General Services Administration purchases

All purchases in excess of \$20,000 require Town Board approval.

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

Adopted by the following vote:

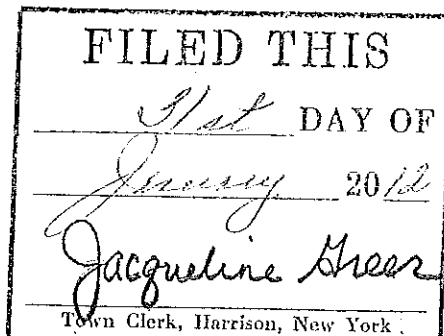
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

- ___ Assessor
- ___ Benefits
- ___ Bldg
- ✓ Compt'r
- ✓ Engrng
- ✓ Law
- ___ Police
- ✓ P. Wrks
- ✓ Purch'g
- ___ Recr'tn
- ✓ Supvs'r
- ___



January 19, 2012

2012 - - 034

MATTERS FOR EXECUTIVE SESSION:

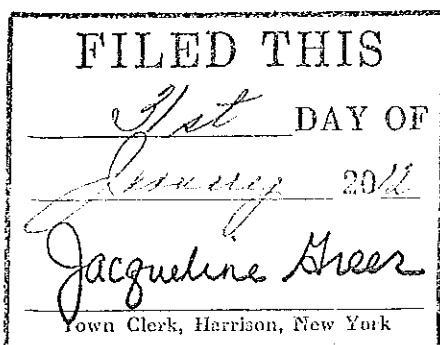
Advice of counsel	2
Litigation	8
Personnel	4

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed at 9:03 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 11:07 PM.

Copies to:

<input type="checkbox"/>	Assessor
<input type="checkbox"/>	Benefits
<input type="checkbox"/>	Bldg
<input checked="" type="checkbox"/>	Compt'lr
<input checked="" type="checkbox"/>	Engrng
<input checked="" type="checkbox"/>	Law
<input type="checkbox"/>	Police
<input checked="" type="checkbox"/>	P. Wrks
<input checked="" type="checkbox"/>	Purch'g
<input type="checkbox"/>	Recr'tn
<input checked="" type="checkbox"/>	Supvs'r
<input type="checkbox"/>	



January 19, 2012

2012 - - 035

APPOINTMENT OF THE LAW OFFICES OF VINCENT TOOMEY
AS OUTSIDE COUNSEL IN AN AMOUNT NOT TO EXCEED \$100,000

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the appointment of the Law Offices of Vincent Toomey as Outside Counsel for labor negotiations in an amount not to exceed \$100,000.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella and Sciliano
Supervisor Belmont

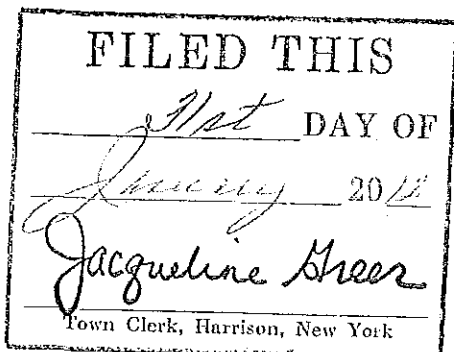
ABSTAINED: Councilman Malfitano

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recor'm
☒ Supvs'r



January 19, 2012

2012 -- 036

APPOINTMENT OF IRA LEVY, ESQ. AS OUTSIDE COUNSEL
FOR TAX CERTIORARI MATTERS IN AN AMOUNT NOT TO EXCEED \$60,000

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the appointment of Ira Levy, Esq., as Outside Counsel for tax certiorari matters in an amount not to exceed \$60,000

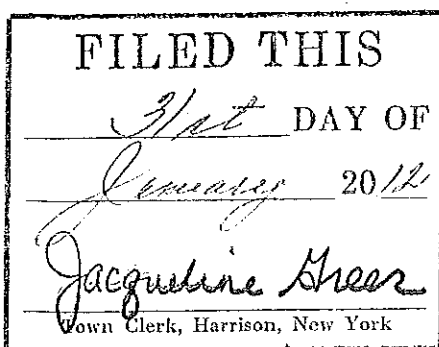
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Comptroller.

Adopted by the following vote:

AYES:	Councilpersons Amelio, Cannella and Sciliano Supervisor Belmont
ABSTAINED:	Councilman Malfitano
NAYS:	None
ABSENT:	None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☐ Engrng
☐ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r



January 19, 2012

2012 - - 037

APPOINTMENT OF FRIEDMAN, HARFENIST, KRAUT & PERLSTEIN, LLP
AS OUTSIDE COUNSEL FOR THE TOWN OF HARRISON

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the appointment of Friedman, Harfenist, Kraut & Perlstein, LLP as
Outside Counsel for the Town of Harrison.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella and Sciliano
Supervisor Belmont

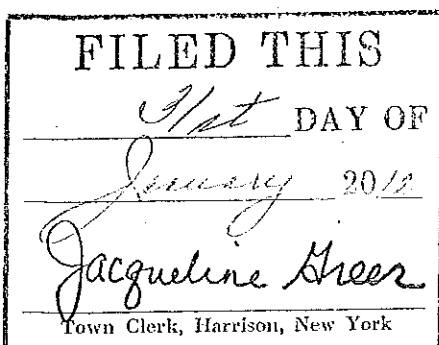
ABSTAINED: Councilman Malfitano

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r
☐



January 19, 2012

2012 - - 038

APPOINTMENT OF VINCENT ACESTE, ESQ.
AS OUTSIDE COUNSEL FOR THE TOWN OF HARRISON

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the appointment of Vincent Aceste, Esq., as Outside Counsel for the Town of Harrison.

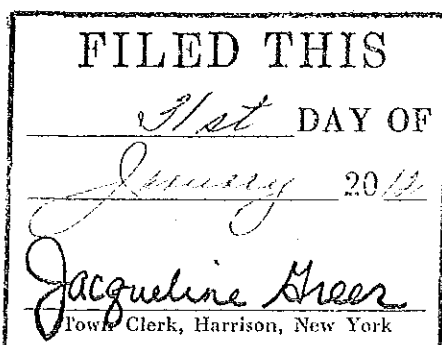
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Comptroller.

Adopted by the following vote:

AYES:	Councilpersons Amelio, Cannella and Sciliano Supervisor Belmont
ABSTAINED:	Councilman Malfitano
NAYS:	None
ABSENT:	None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r
☐



January 19, 2012

2012 - - 039

APPOINTMENT OF JOSEPH A. MARIA, P.C.
AS OUTSIDE COUNSEL FOR THE TOWN OF HARRISON

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the appointment of Joseph A. Maria, P.C., as Outside Counsel for the Town of Harrison.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella and Sciliano
Supervisor Belmont

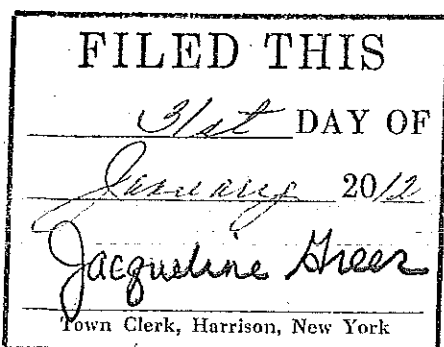
ABSTAINED: Councilman Malfitano

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r
☐



January 19, 2012

2012 - - 040

APPOINTMENT OF BEST, BEST & KRIEGER
AS OUTSIDE COUNSEL FOR THE TOWN OF HARRISON
IN AN AMOUNT NOT TO EXCEED \$25,000

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the appointment of Best, Best & Krieger as Outside Counsel for the Town of Harrison, in an amount not to exceed \$25,000.

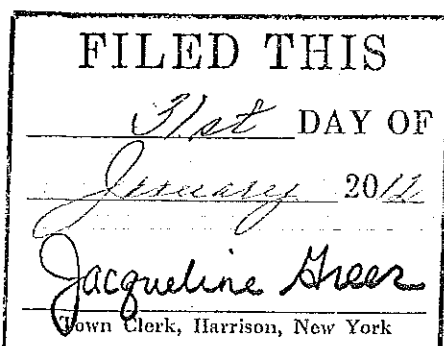
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Comptroller.

Adopted by the following vote:

AYES:	Councilpersons Amelio, Cannella and Sciliano Supervisor Belmont
ABSTAINED:	Councilman Malfitano
NAYS:	None
ABSENT:	None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r



January 19, 2012

2012 - - 041

APPOINTMENT OF JEFFREY A. BINDER, ESQ.
AS OUTSIDE COUNSEL FOR THE TOWN OF HARRISON

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the appointment of Jeffrey A. Binder, Esq., as Outside Counsel for the Town of Harrison.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella and Sciliano
Supervisor Belmont

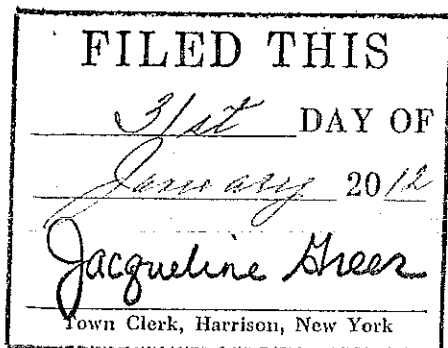
ABSTAINED: Councilman Malfitano

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r
☐



January 19, 2012

2012 - - 042

APPOINTMENT OF KERRY MARRANO
TO THE POSITION OF PERSONAL CONFIDENTIAL SECRETARY
TO THE SUPERVISOR/MAYOR

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the appointment of Kerry Marrano to the position of Personal Confidential Secretary to the Supervisor/Mayor, at an annual salary of \$55,000, effective January 23, 2012.

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

Adopted by the following vote:

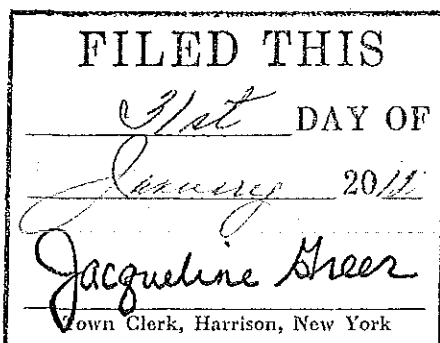
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r
☐



January 19, 2012

2012 - - 043

APPOINTMENT OF PALMA RIZZARO
TO THE PART TIME AVAILABILITY LIST

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

RESOLVED to approve the appointment of Palma Rizzaro to the Part Time Availability List for 25 hours and under per week, at the hourly rate of \$28.47 per hour, effective March 5, 2012.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano.
Supervisor Belmont

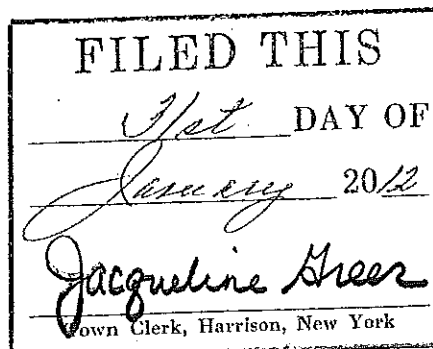
NAYS: None

ABSENT: None

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
with all members voting in favor, declared closed at 11:15 PM.

Respectfully submitted,

Jacqueline Greer
Town Clerk



Copies to:

— Assessor
— Benefits
— Bldg
✓ Compt'r
✓ Engrng
✓ Law
— Police
✓ P. Wrks
✓ Purch'g
— Recr'tn
✓ Supvs'r