

September 6, 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, September 6, 2012 at 7:30 PM. Eastern Daylight Savings 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

Jonathan Kraut Village Attorney

Christopher Cipolla Deputy Village Attorney

Maureen MacKenzie Comptroller

Anthony Marraccini Chief of Police

Copies to:

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☒ Law

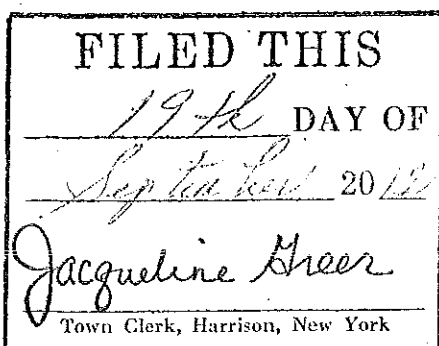
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☐ Recr'tn

☒ Supvs'r



September 6, 2012

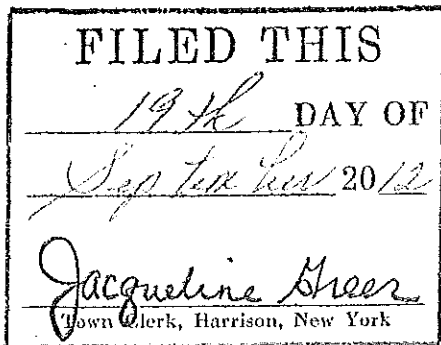
2012 - - 283

PRESENTATION BY SUPERVISOR BELMONT OF
CERTIFICATES OF ACHIEVEMENT TO THE 9 - 10 YEAR OLD
ALL STAR GIRLS SOFTBALL TEAM

Supervisor Belmont presented Certificates of Achievements to the 9 and 10 year old All Star Girls Softball Team and their coaches for winning the 2012 Little League District 20 All Star Championship Tournament.

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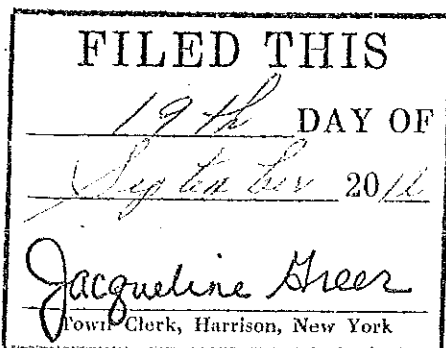
September 6, 2012

2012 -- 284

Town Board Resolution No. 2012 -- 284 has been voided.

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September 6, 2012

2012 -- 285

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the following correspondence and reports:

- 1a. Monthly report by the Town Clerk for July 2012.
- 1b. Monthly report by the Acting Fire Marshal for July 2012.
- 1c. Monthly report by the Commissioner of Public Works for June 2012.
- 1d. Monthly report by the Receiver of Taxes for July 2012.
- 1e. Monthly report by the Superintendent of Recreation for July 2012.
- 1f. Monthly report by the Building Inspector for July 2012.
- 1g. Monthly report by the Commissioner of Public Works for July 2012.
- 1h. Monthly report by the Chief of Police for July 2012.

Adopted by the following vote:

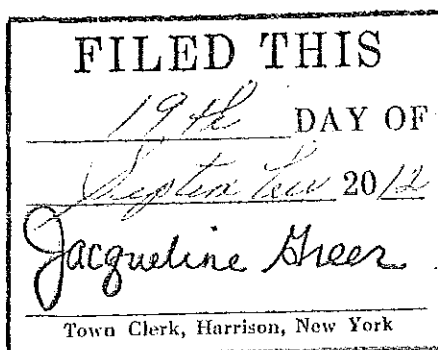
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 - - 286

INVITATION FROM SUPERINTENDENT OF RECREATION TO TOWN BOARD AND
ALL RESIDENTS TO PARTICIPATE IN THE WEEKEND FESTIVITIES FOR
IT'S GREAT TO LIVE IN HARRISON/COLUMBUS DAY OBSERVANCE

Invitation from Superintendent of Recreation Gerry Salvo to the Supervisor, Town Board Members and all residents of Harrison to participate in the weekend festivities for It's Great to Live in Harrison/Columbus Day Observance:

Saturday, October 6th

Fireworks: 7:00 pm (Rain Date Sunday, October 7, 2012)

West Harrison Fire Department

Open House

10:00 am -- 2:00 pm

Harrison Police Headquarters

Sunday, October 7th

P.B.A. Car Show

10:00 am -- 4:00 pm

West Harrison Business District

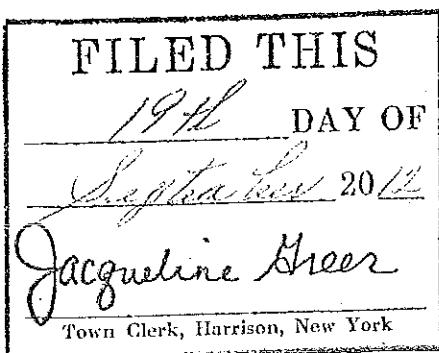
Monday, October 8th

Parade: 10 am (line-up 9:30 am corner of Halstead & Thatcher Avenue)

Festival in Riis Park immediately following parade.

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September 6, 2012

2012 - - 287 -- a

PUBLIC HEARING -- RE: SPECIAL EXCEPTION USE PERMIT
FOR SAND SILO AT WESTCHESTER COUNTRY CLUB

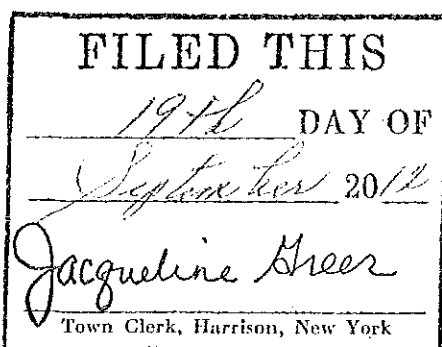
On motion of Councilwoman Amelio, seconded by Councilman Sciliano, with all members voting in favor, the Hearing was opened.

David Steinmetz, Attorney at Zarin & Steinmetz said he was here in connection with a modification to the club to add a sand silo. It is a structure that will remain on the course and we believe is not visible from anywhere beyond the perimeter of the course. This will hold and store the sand that the club uses to dress the greens and the tee boxes. The benefit to the community is rather than have this specialized sand the club uses, and has been using, trucked onto the site on a fairly regular basis, it would now be stored on site in a silo. This structure was reviewed by the building department; it has gone through review and secured approval by the planning board and the only reason that we are here is because the club has a special exception use permit and this would require simply a modification to the special exemption use permit.

With no one speaking for or against the Hearing was closed.

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September 6, 2012

2012 -- 287 -- b

APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT
TO CONSTRUCT A SAND SILO AT WESTCHESTER COUNTRY CLUB

On a motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request of Westchester Country Club for a Special Exception Use Permit to construct a sand silo at 99 Biltmore Avenue.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Commissioner of Public Works and Westchester Country Club.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano
Supervisor Belmont

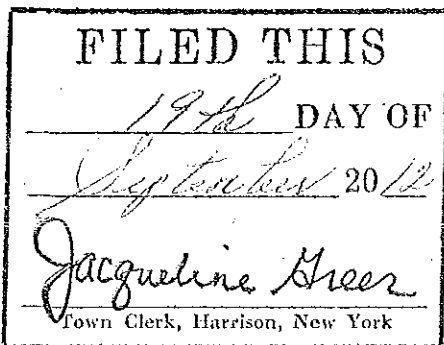
NAYS: None

RECUSED: Councilman Malfitano

ABSENT: None

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September 6, 2012

2012 -- 288 -- a

PUBLIC HEARING -- RE: SPECIAL EXCEPTION USE PERMIT
FOR A 2-TIER BRIDGE -- 450 MAMARONECK AVENUE

On motion of Councilman Cannella, seconded by Councilwoman Amelio, with all members voting in favor, the Hearing was opened.

Mr. Nik Illic on behalf of RPW Group addressed the Board. They have a building at 450 Mamaroneck Avenue and are proposing a two tier bridge in the back of the building which will not be visible from the front. The reason for this is that many of the tenants that we are pursuing have an issue with the very steep stairwell in the back of the building being hazardous to their employees. What we are proposing is a two tier bridge that will lead to the third and fourth floors. Within the building we are proposing a training center for a trade school. The benefit to the town would be that the companies working in the building would have easier access to the building and it would be safer.

Harrison resident David Wroclawski addressed the board. He owns one of the five residences that are behind the building that is in question right now. I would like to get an idea of what they are proposing to build. What is the elevation?

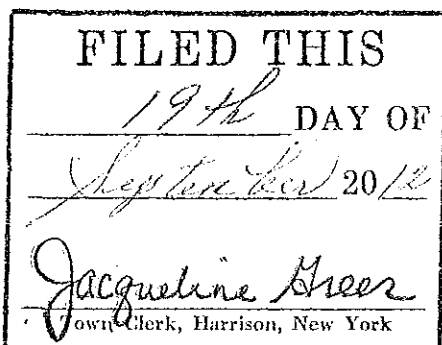
Supervisor Belmont said the elevation would be lower than the actual building itself. It is a walkway from the parking lot to the building.

Mr. Nik Illic on behalf of RPW Group said that it is going to be the same level as the parking lot. It will go directly into the third and forth floor.

With no one else speaking for or against the Hearing was closed.

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September 6, 2012

2012 -- 288 -- b

APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT
FOR A 2-TIER BRIDGE - 450 MAMARONECK AVENUE

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request of RPW Group, Inc., for a Special Exception Use Permit for a 2-tier Bridge in the back of the building and training center for trade school at 450 Mamaroneck Avenue.

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

Adopted by the following vote:

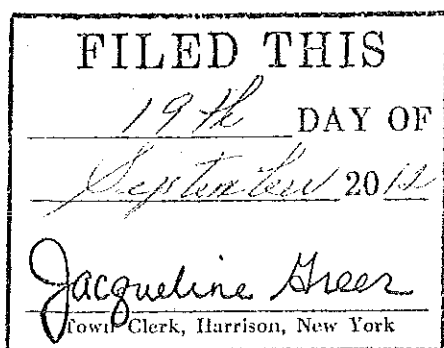
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 -- 289

AUTHORIZATION FOR THE FOURTH INSTALLMENT PAYMENT OF THE 2012
FUNDING FOR THE HARRISON EMERGENCY MEDICAL SERVICES
AMOUNT: \$125,000

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Joseph Bilotta, Chief of Operations of the Harrison Emergency Medical Services for their fourth payment and final payment for the 2012 funding in the amount of \$125,000.

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

Adopted by the following vote:

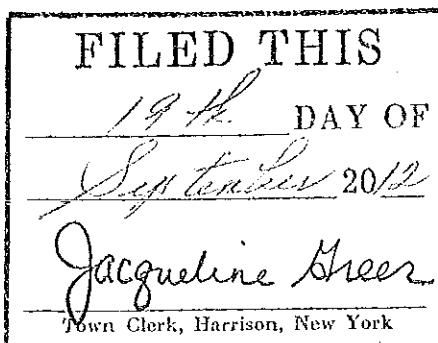
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 - - 290 - - a

APPROVAL FOR THE COURT CLERK TO PURCHASE A
SPACESAVER MECHANICAL ASSIST MOBILE SYSTEM

On motion of Councilman Sciliano, seconded by Councilman Malfitano.

it was

RESOLVED to approve the request by Court Clerk Jacqueline Ricciardi for authorization for a Spacesaver Mechanical Assist Mobile System – File Retention purposes at a cost of \$29,674.

FURTHER RESOLVED that funding is available in the following accounts:

Account #001-1900-100-4407 - Town/Special Items/Special Services	\$10,000.
Account #001-1900-100-4490 – Town/Special Items/Contingency	\$10,000.
Capital Account #01GB11	\$ 9,674.

FURTHER RESOLVED to transfer the above amounts into the Court budget line #001-1110-100-0250 Court Clerk Fixed Assets.

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

Adopted by the following vote:

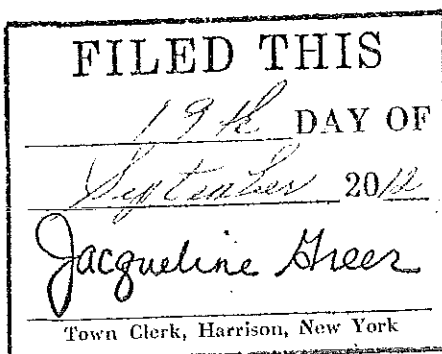
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 -- 290 -- b

AUTHORIZATION FOR A BUDGET TRANSFER

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

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

Decrease:

001-1900-100-4407 10,000
Town-Special Items/Special Services

Decrease:

001-1900-100-4490 10,000

Decrease:

Capital Account #01GB11 9,674

Increase:

001-1110-100-0250 29,674
Town Justice-Equipment Fixed Assets

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

Adopted by the following vote:

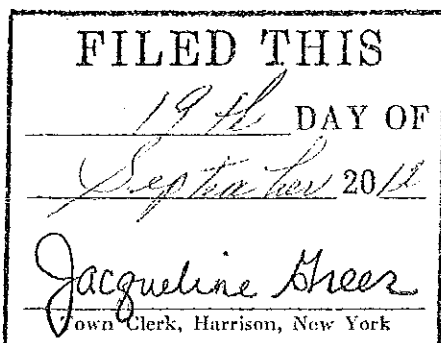
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
 Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 -- 290 -- c

APPROVAL FOR PO#3322405 FOR
ONE (1) SPACESAVER MECHANICAL ASSIST MOBILE SYSTEM
WITH FOUR (4) POSTS SHELVING FOR THE COURT CLERK

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request of Purchasing Clerk Opal Mclean for authorization for PO#322405 for one (1) Spacesaver Mechanical Assist Mobile system with four (4) posts Shelving for the Court Clerk at a total cost of \$29,674.

FURTHER RESOLVED that the System will be charged to account #001-1110-100-0250.

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

Adopted by the following vote:

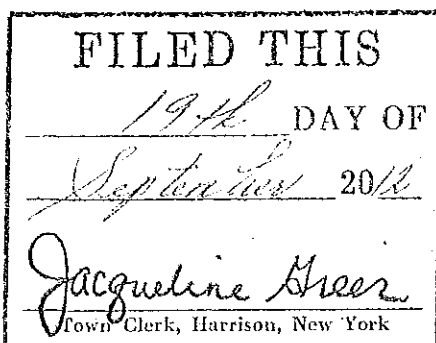
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 -- 291

AUTHORIZATION FOR THE SUPERVISOR TO SIGN
THE WESTCHESTER COUNTY HEALTH DEPARTMENT
CERTIFICATE OF AUTHORIZATION FOR
"IT'S GREAT TO LIVE IN HARRISON CELEBRATION FESTIVAL"

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request of Superintendent of Recreation Gerry Salvo for authorization for the Supervisor to sign the Westchester County Health Department Certificate of Authorization for "It's Great to Live in Harrison Celebration Festival".

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

Adopted by the following vote:

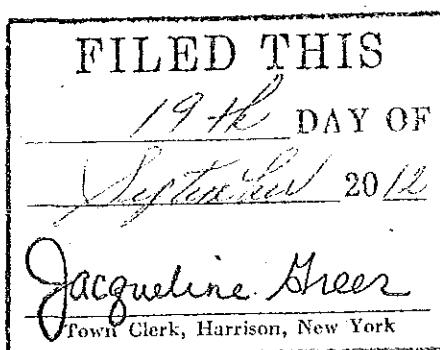
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 - - 292

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

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request by Director of Community Services Nina Marraccini for authorization to accept a donation the amount of \$1,000 for the Harrison Food Pantry from an anonymous donor.

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

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FILED THIS

19th DAY OF

September 2012

Jacqueline Greer

Town Clerk, Harrison, New York

September 6, 2012

2012 -- 293

AUTHORIZATION FOR A LICENSE AGREEMENT
BETWEEN NORMAN AND RUTH AMIEL AND THE TOWN OF HARRISON
FOR THE EXISTING "TEA HOUSE" STRUCTURE

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Village Attorney Jonathan Kraut for authorization for a License Agreement between Norman and Ruth Amiel and the Town of Harrison for the existing "Tea House" structure.

FURTHER RESOLVED to authorize the Supervisor to execute said Agreement.

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

Adopted by the following vote:

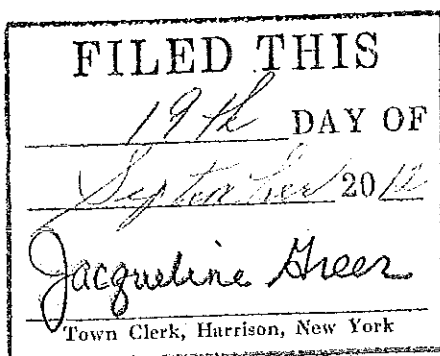
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 -- 294

AUTHORIZATION FOR THE SERVICE AGREEMENT WITH
THE FIRM OF HARBRIDGE CONSULTING GROUP FOR THE PLAN YEAR 2013

On motion of Councilman Malfitano, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Personnel Manager Debra Scocchera for authorization for the Service Agreement with the firm of Harbridge Consulting Group for the plan year 2013, at a cost of \$3,200. The hiring of an actuarial firm to attest that the Town's plan prescription drug benefits are equivalent to Medicare Part D.

FURTHER RESOLVED that funding is available in budget line 001-1900-100-4407.

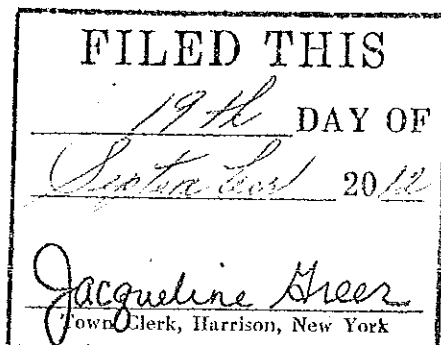
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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September 6, 2012

2012 - - 295

AUTHORIZATION TO ENGAGE THE FIRM OF ALLAN ROTTO CONSULTANTS, INC.
TO REVIEW THE TOWN'S MONTHLY TELECOM BILLING CHARGES

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Comptroller Maureen MacKenzie for authorization to engage the firm of Allan Rotto Consultants, Inc., to review the Town's monthly telecom billing charges to determine whether there are errors, discrepancies or improper charges to the Town of Harrison bills.

FURTHER RESOLVED to authorize the Supervisor to execute the contract which has been previously reviewed by the Law Department.

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

Adopted by the following vote:

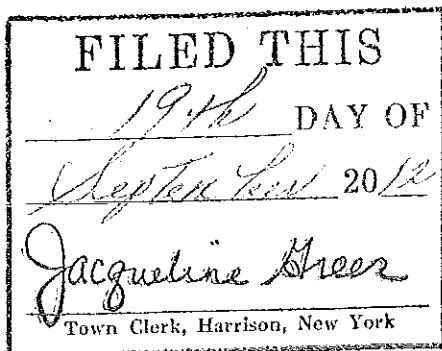
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 -- 296

APPROVAL TO SCHEDULE A PUBLIC HEARING ON SEPTEMBER 20, 2012
RE: A SPECIAL EXCEPTION USE PERMIT FOR OLD OAKS COUNTRY CLUB FOR A
REVISION TO THE ORIGINALLY APPROVED SITE PLAN FOR THE GOLF COURSE

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Architect, Robert Stanziale, on behalf of his client Old Oaks Country Club to set the date for a Public Hearing on September 20, 2012 for a Special Exception Use Permit for a revision to the originally approved Site plan for the golf course maintenance building. The Club is proposing to install four (4) new material storage bins close to the existing open parking lot on their site. This is further away from the property line and adjoining neighbors than the building itself and is well shielded from view. The originally approved plans indicted the construction of three (3) new material storage bins. The Club is seeking, at this time, to construct only one (1) of the storage bins.

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

Adopted by the following vote:

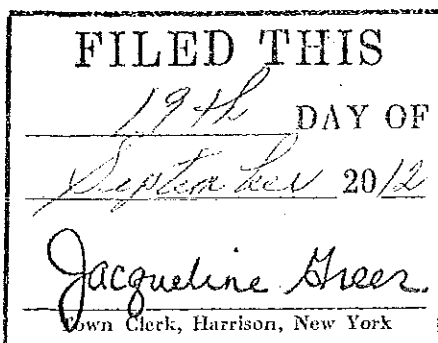
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

2012 - - 297

APPROVAL FOR MARK BONISTALL, CHAIRMAN OF PEACE OUTSIDE CAMPUS,
THE LINDSEY M. BONISTALL FOUNDATION TO USE ROAD RACING TIMING
EQUIPMENT, ROAD BARRICADES AND THE SERVICES OF THE HVAC
FOR THE 8TH ANNUAL LINDSEY RUN/WALK AT PURCHASE COLLEGE

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to approve the request by Mark Bonistall, Chairman of Peace Outside Campus for use of road racing timing equipment, road barricades and the services of the HVAC for the *8th annual Lindsey Run/Walk at Purchase College on Sunday, October 28, 2012, from 7:45 am – 11 am.* Check-in time is 8:15 am, run start time is 9:15 am.

FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police, the HVAC the Commissioner of Public Works and Mr. Bonistall.

Adopted by the following vote:

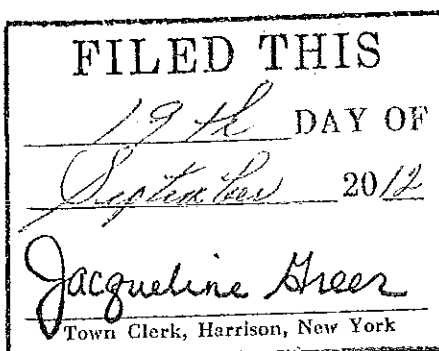
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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September 6, 2012

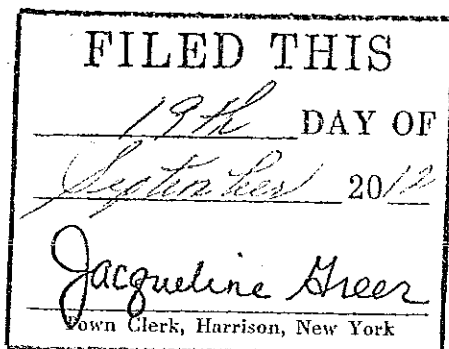
2012 -- 298

ADJOURNED: REQUEST TO ACCEPT A CHECK, IN THE AMOUNT OF \$3,484
DONATED BY THE FRIENDS OF MICHAEL FALKENSTERN, WHICH THE
COMPTROLLER WILL SET UP A SEPARATE TRUST AND AGENCY ACCOUNT

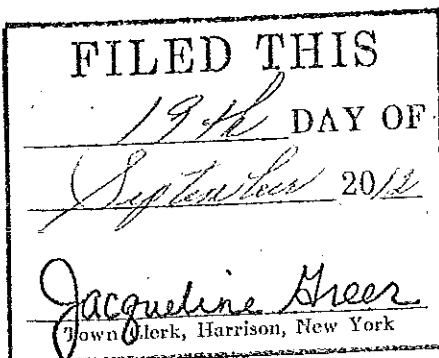
The matter was adjourned until the September 20, 2012 Meeting.

Copies to:

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☒ Law
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☒ Recr'tn
☒ Supvs'r



2012 - - 299



September 6, 2012

2012 -- 300

APPROVAL FOR THE AGREEMENT BETWEEN THE TOWN/VILLAGE OF HARRISON
AND PAYMENTUS BE AMENDED TO ALLOW THE TOWN CLERK'S OFFICE
TO ACCEPT CREDIT CARDS WITH THE CARD USER PAYING THE SERVICE FEES

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Town Clerk Jacqueline Greer for authorization for the Agreement between the Town/Village of Harrison and Paymentus be amended to allow the Town Clerk's Office to accept credit cards with the card user paying the service fees.

FURTHER RESOLVED to authorize the Supervisor to sign the Agreement subject to review by the Law Department.

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

Adopted by the following vote:

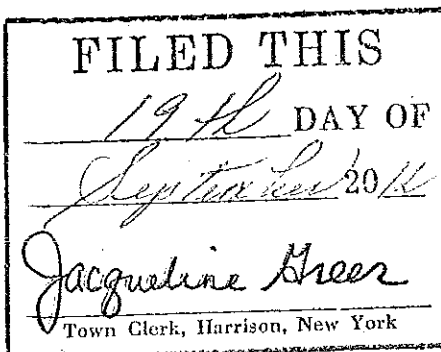
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☒ Assessor
☒ Benefits
☒ Bldg
☒ Compt'r
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☒ Law
☒ Police
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☒ Supvs'r



September 6, 2012

2012 -- 301

AUTHORIZATION FOR THE SUPERVISOR TO SIGN
THE LICENSE AGREEMENT WITH TEXTILE MANAGEMENT

Textile Management (TM) is presenting the Town with a Post Consumer Textile Waste Proposal. TM will facilitate, manage and maintain the program. Their policy comes with no costs, liability or hassle to the Town. TM will provide new collection/recycling bins to the following locations: The Harrison Police Department and Silver Lake Lower Parking Lot. Compensation will be \$100 per location per month.

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to authorize Supervisor Belmont to sign the License Agreement, with Textile Management, subject to review by the Law Department.

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

Adopted by the following vote:

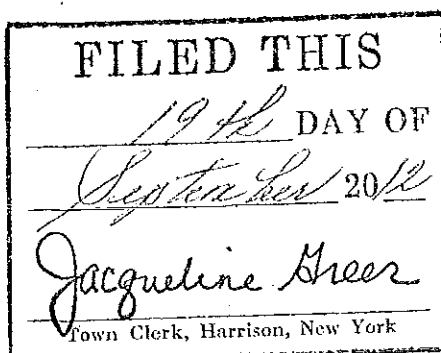
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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



September 6, 2012

2012 -- 302

AUTHORIZATION FOR THE SUPERVISOR TO SIGN
THE ENVIRONMENTAL EASEMENT BETWEEN NEW YORK STATE AND
THE TOWN OF HARRISON FOR THE BEAVER SWAMP BROOK PROJECT

Harrison resident Mike LaDore asked the Board what the easement is for.

Deputy Village Attorney Cipolla said it is an environmental easement with the NYS Environmental Conservation that restricts the future use of the location. The intended purpose is recreational and restricts what it could turn to in the future.

Harrison resident Mike LaDore said the intended use for the Town is for a recreational facility. For five years we have been in DEC hearings. You are on hold. We don't know if it will be a recreational facility.

Village Attorney Kraut said that is incorrect. What you are getting to is whether it would be a passive recreational facility or an active one. Whether it would include sports fields or scenic public open space, but in either event, in terms of environmental easement or covenant on the property, it is to make sure that it can't be used in a matter that is inconsistent with recreation; the Town couldn't put an office building there.

Harrison resident Mike LaDore said that what I am getting at is that we are in DEC hearings. We have been waiting for a year for the Commissioner to make a decision on whether or not Harrison can go forward, whether it is a ball field, a passive park, or whether fill has to be removed to reduce flooding in the area. What I'm concerned about is that you are making a decision and you are entering into an agreement with the DEC when nothing has been resolved yet. Don't you think we have to wait until the Commissioner makes a decision? The Judge already made his ruling; we are on appeal, with no monetary value, just for the record. Don't you think that you should not be entering into any agreements with the DEC until the Commissioner makes a ruling because if you have easements there and you don't know if any of these easements are going to affect any of the property owners that are surrounding this area?

Town Attorney Allegretti said this is mandated by the DEC and something that should have been done many years ago and was lost in paperwork in the previous Mayor's office and it just resurfaced in the past six months. Mr. Cipolla and I have been working diligently with the DEC staff to get this done, getting all the parcels that are identified as being in the area, included as part of the conservation easement; we can't delay on this.

Harrison resident Mike LaDore said that there are people in that area, whether Harrison or Rye, all of a sudden after five years of litigation and not for monetary value but to protect our properties, the Town Board comes up with a resolution for easements. No decisions have been made by the Commissioner of the DEC and even when that decision is made, as residents, we will take the next action. You are jumping the gun as far as I'm concerned; voting on something regarding that parcel of land until a final decision has been made.

September 6, 2012

2012 - - 302 (continued)

Councilman Malfitano said the Grantor of this easement is the Town/Village of Harrison, we own the property. The State is requesting as the Grantee that we provide them with an easement. That is what the State is requesting. The purpose is, to provide, according to the State of New York and the Department of Environmental Protection, in order to ensure the protection of the public health and the environment. Essentially what the Town is doing is acknowledging that the purposes of the easement are to convey to the Grantee (the State) real property rights and interests that will run with the land in perpetuity. It is not the Town doing anything. It is the State requesting that the Town comply to grant the State of New York for the benefit of public health, an easement that allows them to do certain things. It has nothing to do with the future use, however that may be determined, whether passive or active, it has to do with granting an easement by the owner of the property to the State at the State's request.

Village Attorney Kraut said the environmental easement is a required piece to these types of remediation projects so you need to roll the clock back, four Mayor's ago, when this all started, and this was a remediation project for which the town received funds. Part of the way the remediation was funded requires this document. What the document says is in order to establish environmental easements you have to have an enforceable means of insuring the performance operation maintenance and monitoring requirements and the restriction of future uses of the land. As part of the clean up that the DEC did it requires that there be the ability that the DEC actually has a right to come on and enforce testing to ensure that that environmental control still takes place. There is a site management plan that requires varies future testing, etc. of a site. What the document prohibits, this is the right we are giving away, we own the property, and when you grant an easement or you put a restriction on your property, you're giving away a little slice of your bundle of rights as a property owner. It says that the control property shall not be used for residential or restricted residential purposes. It is basically saying that you can't build residences there, you can't use it for restrictive residential purposes and the reason for that is that they don't want the risk of passage exposure to folks living in residences on the property.

Councilman Cannella said that he wanted to make a comment. Environment easements are restrictive not expansive so any restriction that the town places on use of the property gives the grantee the right to enforce the easement. It is restrictive and protective. This is a favorable thing to execute rather than a negative one.

Harrison resident Mike LaDore asked the Board if their decision today was so the town could get whatever money is in the fund that the DEC owes them. Is it to get that \$100,000 back; to put in our coffers?

Councilman Cannella said that is not the motivation for the easement. The easement is a restriction on the town's use of the property which we all agreed would be a restriction from the very beginning.

Harrison resident Mike LaDore said he would just ask that the Town Board wait until the Commissioner makes a ruling.

September 6, 2012

2012 - - 302 (continued)

Harrison resident Lucille Held asked what the consequence would be if you don't pass this tonight.

Village Attorney Kraut said that not signing it puts funds already received and expended at risk.

Councilman Malfitano asked for the record, could you, in round dollars, quantify what those dollars happen to be.

Comptroller MacKenzie said about 5.2 million dollars.

Harrison resident Jimmi Pritchard asked does this mean that we will move ahead with the concepts and the activities that were planned when this was going to become a ball field.

Village Attorney Kraut said the ultimate outcome of the DEC Proceeding and the ultimate use of the property and the execution of the environmental easement run apart from one another.

Harrison resident Jimmi Pritchard said she wanted to go on record as to saying that she doesn't want to do anything that will create or lead toward more flooding for the people that live in that area. That would be absolutely unethical for this Board to do.

Harrison resident Dave Cristiano said I am here because I don't quite understand the easement in regards to my property line. I own a piece of real estate there. To me the word easement means going through a piece of real estate that a person doesn't own. Now that you went over the easement I understand it. My second question is will the easement have any effect on future changing of zoning laws for building there. It doesn't restrict me from doing something to my property?

Councilman Cannella responded that it does not affect your property. You are not signing it. Councilman Cannella said there is absolutely no down side to this no matter what your views are of the ultimate use of the property. It is a restriction, not an expansion.

On motion of Councilman Cannella, seconded by Councilman Malfitano,

it was

RESOLVED to authorize the Supervisor to sign the Environmental Easement between New York State and the Town of Harrison for the Beaver Swamp Brook Project at the Oakland Avenue site.

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

September 6, 2012

2012 - - 302 (continued)

Adopted by the following vote:

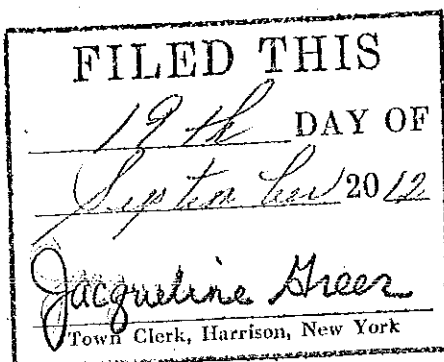
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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September 6, 2012

2012 -- 303

APPROVAL FOR A SPECIAL EVENTS PERMIT FOR A BLOCK PARTY
ON OLD WELL ROAD, PURCHASE, NEW YORK

On motion of Councilman Cannella, seconded by Councilman Malfitano,

it was

RESOLVED to approve the request by Marlane Amelio for a Special Events Permit to hold a Block Party on Old Well Road on Saturday, September 29, 2012 from 2 pm – 7pm, with a rain date of Sunday, September 30, 2012 from 11 am – 8 pm.

FURTHER RESOLVED that the fee be waived.

FURTHER RESOLVED that a certificate of insurance be provided.

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

Adopted by the following vote:

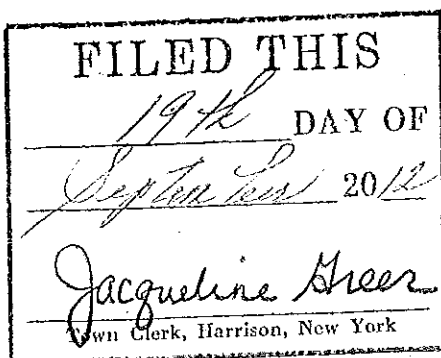
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☒ Assessor
☒ Benefits
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☒ Supvs'r



September 6, 2012

2012 -- 304

APPROVAL FOR A SPECIAL EVENTS PERMIT FOR A BLOCK PARTY
ON HESS AVENUE

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Kevin Bannon for a Special Events Permit to hold a Block Party on Hess Avenue, Sunday, September 30, 2012 from 11 am – 8 pm.

FURTHER RESOLVED that the fee be waived.

FURTHER RESOLVED that a certificate of insurance be submitted.

FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police and the Commissioner of Public Works and Mr. Bannon.

Adopted by the following vote:

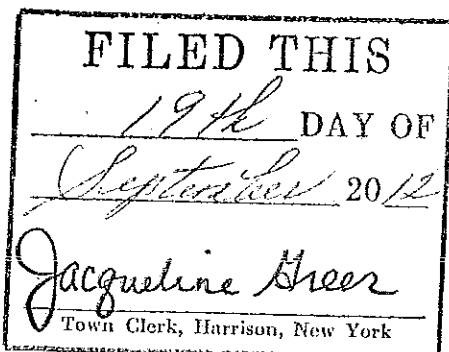
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☒ Assessor
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☒ Compt'lr
☒ Engrng
☒ Law
☒ Police
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☒ Supvs'r



September 6, 2012

2012 -- 305

APPROVAL FOR JARDEN WESTCHESTER TRIATHLON
TO USE HARRISON ROADWAYS ON SEPTEMBER 23, 2012
FOR THE BICYCLE PORTION OF THE TRIATHLON

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Eric Opdyke, Race Director for Jarden Westchester Triathlon to use Harrison roadways on September 23, 2012.

FURTHER RESOLVED that a Certificate of Insurance will follow.

FURTHER RESOLVED that Mr. Opdyke will notify Lt. DiBuono of the Harrison Police Department.

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

Adopted by the following vote:

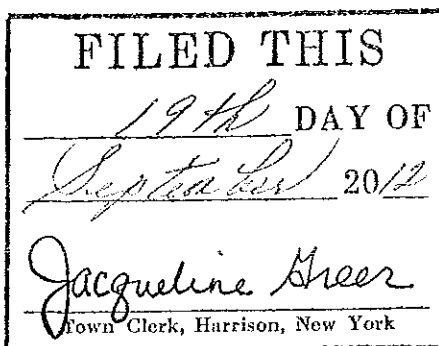
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☒ Assessor
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September 6, 2012

2012 - - 306

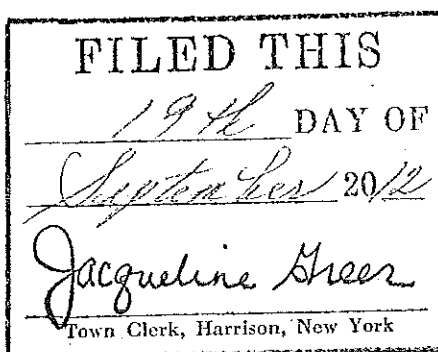
REMARKS BY HARRISON RESIDENT JOE GRILLO

Harrison resident Joe Grillo said this is pertaining to Forest Lake and the development that has been going on for about twenty years. I would like to submit to the Town Board some information pertaining to phase 9 and 10. There are certain things that have to be done before the project can end and they have not been done. If they are not done it will fall on the town and the residents financially in a larger way. I have a package for the Attorneys and the Board members that I would like you to read.

Councilman Cannella said he recommends that a copy be forwarded to the Legal Department, Town Engineer and the Building Department for final compliance.

Copies to:

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



September 6, 2012

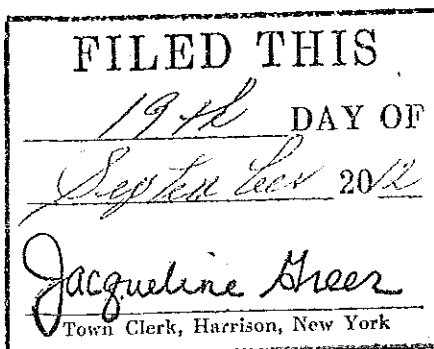
2012 - - 307

REMARKS BY HARRISON RESIDENT LUCILLE HELD

Harrison resident Lucille Held said she has been in debate with one subject in all the years she has been at this microphone and that is spending money. I refuse to accept the fact that there is indication that things I say are not the truth. The truth is that everything I had said in the past and will say now is information from the Freedom of Information, which is that wonderful law that gives us the right to know everything that the Board is doing. I promised the town at two or three meetings ago that I would tell them about the objections I have with the dogs and that, whole process that costs us over \$100,000. I said there were twelve dogs in the Westchester County Canine Group. Someone said they didn't believe that. Well it was easy to find out. I made a phone call and I apologize to you all, there are eleven dogs. When I make a statement it is based on fact. I have no reason to make up stories that are negative because it will only come back to me in full force. I want the respect of the Board with my right to ask questions.

Copies to:

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



September 6, 2012

2012 -- 308 -- 1

MATTERS FOR EXECUTIVE SESSION:

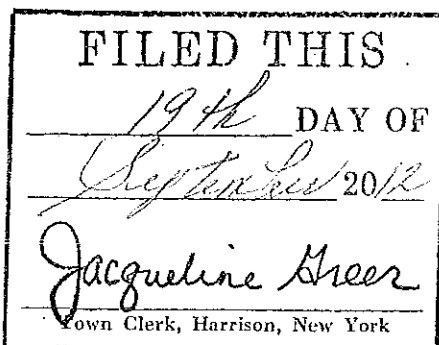
Investigation	1
Collective bargaining	1
Tax certiorari's	4
Litigation	2
Personnel	11

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed at 8:30 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 10:30 PM.

Copies to:

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



September 6, 2012

2012 - - 308

APPROVAL FOR BONANZA PRODUCTIONS TO FILM AT HARRISON POLICE
DEPARTMENT ON OR AROUND SEPTEMBER 20, 2012

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to approve the request for Bonanza Productions to film scenes for the television series "The Following" at the Harrison Police Department on or around September 20, 2012.

FURTHER RESOLVED that Bonanza Productions will provide Certificates of Insurance.

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

Adopted by the following vote:

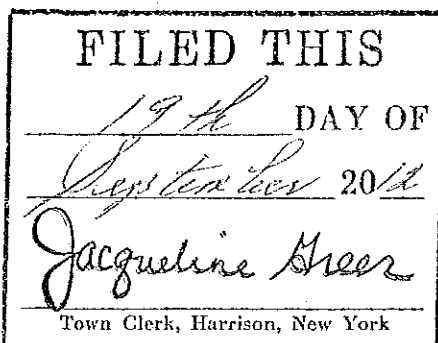
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☒ Assessor
☒ Benefits
☒ Bldg
☒ Compt'r
☒ Engng
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☒ Police
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☒ Supvs'r



September 6, 2012

2012 -- 309

APPROVAL TO INCREASE THE NUMBER OF HOURS
PER WEEK TO THIRTY (30) HOURS PER WEEK
FOR LOUIS DIBUONO

On motion of Councilwoman Amelio, seconded by Councilman Malfitano,

it was

RESOLVED to increase the number of hours worked per week to 30 hours for Louis DiBuono, in the Community Services Office, through December 31, 2012 on an as needed basis.

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

Adopted by the following vote:

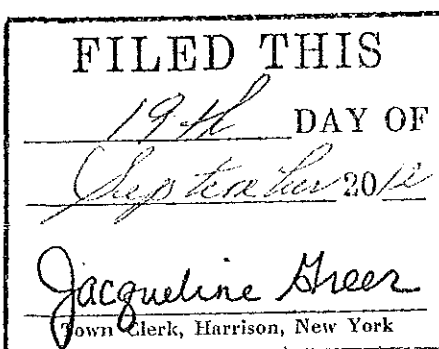
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☒ Assessor
☒ Benefits
☒ Bldg
☒ Compt'lr
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☒ Law
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☒ Supvs'r



September 6, 2012

2012 - - 310

APPOINTMENT OF KATIA VALENCIA
TO THE PART TIME AVAILABILITY LIST

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to approve the appointment of Katia Valencia to the Part Time Availability List to work at the Library at the hourly rate of \$11.00 per hour, effective September 10, 2012 on an as needed basis.

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

Adopted by the following vote:

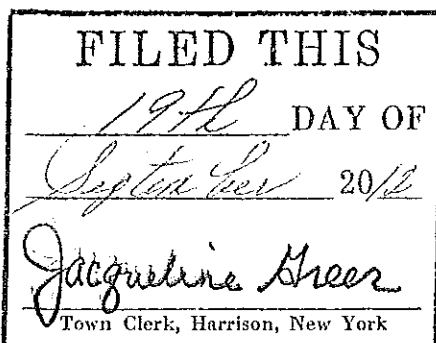
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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



September 6, 2012

2012 -- 311

APPOINTMENT OF KAREN FALCO
TO THE PART TIME AVAILABILITY LIST

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to approve the appointment of Karen Falco to the Part Time Availability List at the hourly rate of \$11.00 per hour, effective September 10, 2012 on an as needed basis.

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

Adopted by the following vote:

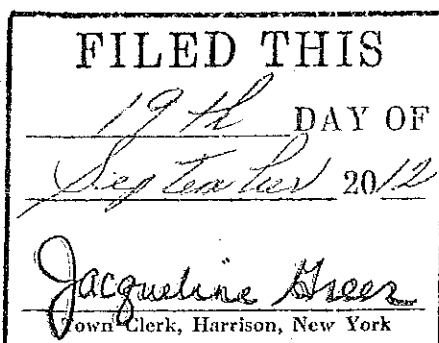
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☒ Assessor
☒ Benefits
☒ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☒ Police
☒ P. Wrks
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☒ Supvs'r



September 7, 2012

2012 -- 312

APPROVAL TO INCREASE THE HOURLY RATE OF PAY
FOR SEAN O'CONNELL IN THE COURT CLERK'S OFFICE

On motion of Supervisor Belmont, seconded by Councilman Malfitano,

it was

RESOLVED to increase the hourly rate of pay for Sean O'Connell in the Court Clerk's office to \$17.00 per hour effective August 27, 2012.

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

Adopted by the following vote:

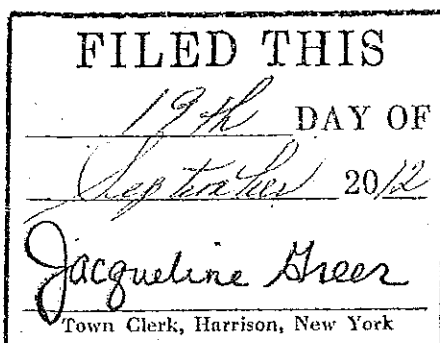
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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



September 6, 2012

2012 -- 313

APPROVAL TO RAISE THE CAP IN LEGAL FEES
IN THE MATTER OF LOMBARDO v TOWN OF HARRISON

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to raise the cap in legal fees to \$55,000 in the matter of Lombardo v Town of Harrison.

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

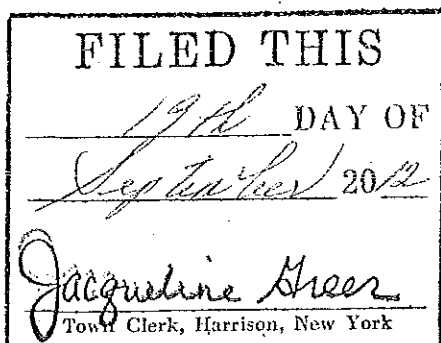
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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



September 6, 2012

2012 -- 314

AUTHORIZATION TO PAY FOR UPDATE TO GOLF PROPERTY ANALYSIS
FOR WESTCHESTER COUNTRY CLUB
TAX CERTIORARI MATTER

On motion of Supervisor Belmont, seconded by Councilman Sciliano,

it was

RESOLVED to approve request by Town Attorney Frank Allegretti for authorization to pay for update to Golf Property Analysis in the amount of \$10,000 for the Westchester Country Club tax certiorari matter.

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, Sciliano
Supervisor Belmont

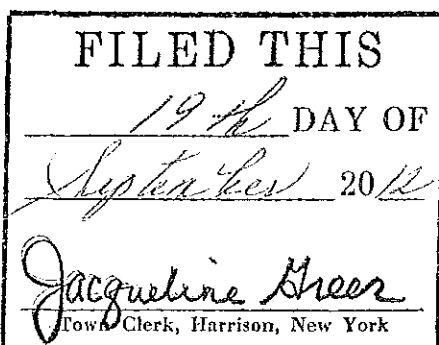
NAYS: None

RECUSED: Councilman Malfitano

ABSENT: None

Copies to:

☒ Assessor
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☒ Police
☒ P. Wrks
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☒ Supvs'r



September 6, 2012

2012 -- 315
SETTLEMENT OF TAX CERTIORARI
CHELNICK/16 FRANKLIN LANE
BLOCK 503, LOT 2

On motion of Supervisor Belmont, seconded by Councilman Sciliano,

it was

RESOLVED to settle the tax certiorari in the matter of Chelnick/16 Franklin Lane, Block 503, Lot 2 as follows:

<u>YEAR</u>	<u>CURRENT</u> <u>ASSESSMENT</u>	<u>PROPOSED</u> <u>ASSESSMENT</u>	<u>REDUCTION</u>
2011	40,820	26,000	14,820

Town/County Tax Year – 2012

School District Tax Year – 2012-2013

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

Adopted by the following vote:

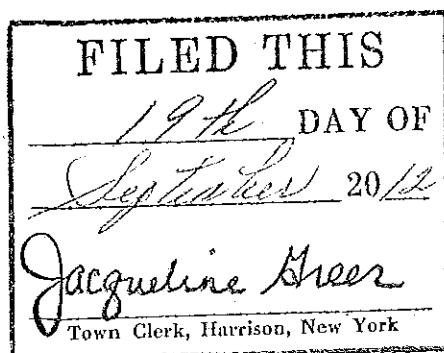
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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



September 6, 2012

2012 -- 316
SETTLEMENT OF TAX CERTIORARI
POST LESTER PARTNERSHIP/111-113 CALVERT STREET
BLOCK 112, LOT 7

On motion of Supervisor Belmont, seconded by Councilman Sciliano,

it was

RESOLVED to settle the tax certiorari in the matter of Post Lester Partnership, 111-113 Calvert Street, Block 112, Lot 7 as follows:

<u>YEAR</u>	<u>CURRENT</u> <u>ASSESSMENT</u>	<u>PROPOSED</u> <u>ASSESSMENT</u>	<u>REDUCTION</u>
2008	11,500	9,240	2,260
2009	11,500	7,020	4,480
2010	11,500	6,440	5,060
2011	11,500	6,440	5,060

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

Adopted by the following vote:

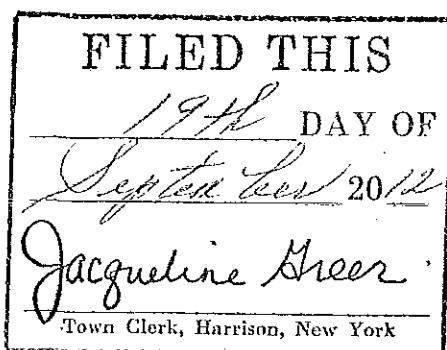
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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



September 6, 2012

2012 -- 317
SETTLEMENT OF TAX CERTIORARI
CRUPAL HOLDING CORP./CORSETTI, A1
180 HALSTEAD AVENUE
BLOCK 116, LOT 5

On motion of Supervisor Belmont, seconded by Councilman Sciliano,

it was

RESOLVED to settle the tax certiorari in the matter of Crupal Holding Corp./Corsetti, A1, 180 Halstead Avenue, Block 1116, Lot 5 as follows:

<u>YEAR</u>	<u>CURRENT</u> <u>ASSESSMENT</u>	<u>PROPOSED</u> <u>ASSESSMENT</u>	<u>REDUCTION</u>
2007	57,000	Discontinued as per RPTL 718	
2008	45,000	31,200	13,800
2010	45,000	32,200	12,800
2011	45,000	36,600	8,400

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

Adopted by the following vote:

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

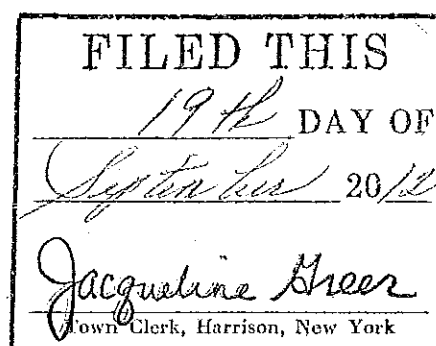
NAYS: None

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 10:35 p.m.

Respectfully submitted,

Jacqueline Greer
Town Clerk



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☒ Benefits
☒ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☒ Police
☒ P. Wrks
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☐ Recr'tn
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