

February 11, 2015

A regular meeting of the Town Board of Harrison, Westchester County New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on Wednesday February 11, 2015 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

Maureen MacKenzie Comptroller

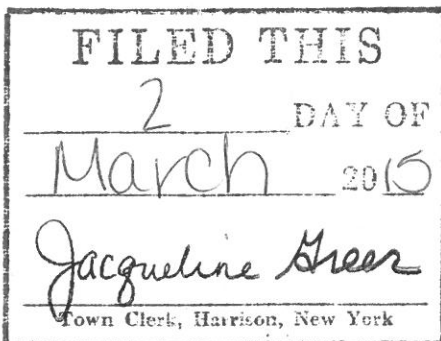
Anthony Marraccini Chief of Police

Anthony Robinson Commissioner of Public Works

Michael Amodeo Town Engineer

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___ Law
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February 11, 2015

2015 - - 060

PRESENTATION BY SUPERVISOR BELMONT AND THE TOWN BOARD OF
CERTIFICATE OF ACHIEVEMENT TO HARRISON RESIDENT STEPHEN BRAND
FOR HIS OUTSTANDING CONTRIBUTION TO HOMERUN HOPEFULS

Supervisor Belmont presented a Certificate of Achievement to Harrison Resident Stephen Brand for his outstanding contribution to the organization "Homerun Hopefuls." A sixteen year old, he joined Homerun Hopefuls six years ago. Stephen serves as the organization's Vice President of Special Programs and Finance. Homerun Hopefuls distributes gently used baseball equipment to needy children in the Dominican Republic and Honduras. He has traveled to impoverished regions with other volunteers to donate equipment.

Stephen thanked Mayor Belmont, Harrison Superintendent of Recreation Gerry Salvo, the Harrison Little League and the residents of Harrison for their support.

February 11, 2015

2015 - - 061

UPDATE ON THE FEMA COMMUNITY RATING SYSTEM
BY TOWN ENGINEER MICHAEL AMODEO

Town Engineer Michael Amodeo addressed the Board with regard to the Town's participation in the National Flood Insurance Program (NFIP). The Town's involvement is by adhering to a certain set of rules and regulations that were passed down from the Federal Emergency Management Agency (FEMA). It is the Town's responsibility to regulate these laws and enforce them. The NFIP has instituted a community rating system. The program provides benefits for communities that go above and beyond the standard rules and regulations set by FEMA. Over the last couple of years my office has been working to get ourselves into this program which has different categories that the town is required to excel in. The NFIP, in correlation with FEMA, visits our community and rates us. Depending on our rating, they provide some benefits. Some of the categories that we have to excel in are public outreach and education, mapping, regulations, damage reduction and preparedness. For the last couple of years we have been working towards these goals. Mr. Amodeo has taken the required courses and has been nationally certified as a Flood Plan Manager. NFIP and the State came in and audited the Town. As of October 2014 we were given a rating of 8. The ratings go from 10 to 1. We received a grade of 8 meaning that from October 2014 all of our community members that have flood insurance get a 10% discount in their policy premium for their flood insurance.

Supervisor Belmont and the Town Board members thanked Town Engineer Mike Amodeo for all of his efforts and hard work.

February 11, 2015

2015 - - 062

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

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

RESOLVED to accept the following correspondence and reports:

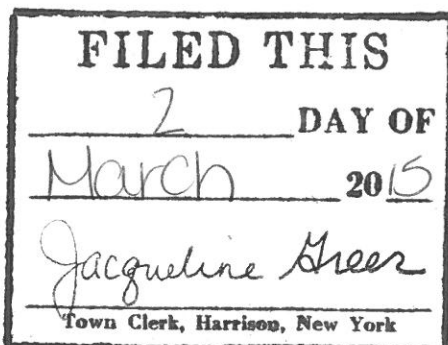
1. Monthly report by the New Rochelle Humane Society for December 2014.
2. Monthly report by the Town Clerk for December 2014.
3. Monthly report by the Town Clerk for January 2015.
4. Monthly report by the Acting Fire Marshal for January 2015.
5. Monthly report by the Building Inspector for January 2015.
6. Monthly report by the Receiver of Taxes for January 2015.
7. Monthly report by the Chief of Police for January 2015.
8. Quarterly report by the Library Director for the months of October, November, and December 2014.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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— Supvs'r
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February 11, 2015

2015 - - 063

AUTHORIZATION TO ADD MICHAEL FULLER TO THE
PART TIME AVAILABILITY LIST FOR THE BUILDING DEPARTMENT

On motion of Councilman Malfitano, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request by Personnel Manager Debra Scocchera for authorization to add Michael Fuller to the Part Time Availability List for the Building Department, for a Records Management Project, at an hourly rate of \$12.00, effective February 17, 2015.

FURTHER RESOLVED the funds for this project have been budgeted in part time line 001-3620-100-0130.

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

Adopted by the following vote:

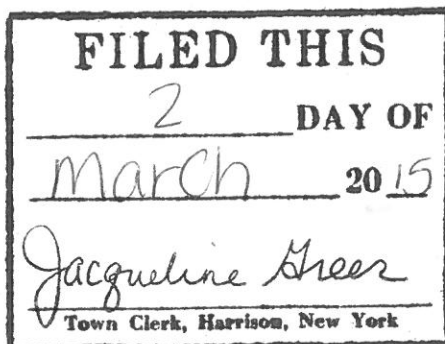
AYES: Councilpersons Amelio, Cannella, Malfitano, and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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February 11, 2015

2015 - - 064

ACCEPTANCE OF LETTER OF RETIREMENT FROM GARY CITINO

Anthony Robinson, Commissioner of Public Works thanked Gary for his many years of service to the department. He was a valued mechanic in the central garage. He wished him the best with hopes for a healthy and great retirement.

Supervisor Belmont said that Gary had been a great asset to the department and he hated to see him leave but wished him the best in his retirement.

Councilman Malfitano said Gary is another employee that over the years has given all of his effort to the Town of Harrison and has an expertise that is going to be missed in the department, without question.

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to accept the letter of retirement from Gary Citino from his position of Senior Auto Mechanic effective March 27, 2015.

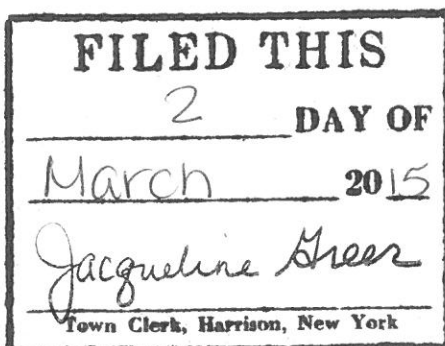
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Commissioner of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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February 11, 2015

2015 - - 065

AUTHORIZATION FOR POLICE OFFICER FRANK MORABITO AND
DETECTIVE KEVIN WONG TO ATTEND IN SERVICE CODE ENFORCEMENT
TRAINING IN CHAPPAQUA, NEW YORK

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Chief of Police Anthony Marraccini for authorization for Police Officer Frank Morabito and Detective Kevin Wong to attend In Service Code Enforcement Training. The training will be held at the Readers Digest Campus in Chappaqua, New York. The total cost of this training will be \$920.00. Funding for this training is available in the schooling account 001-3120-100-0415.

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

Adopted by the following vote:

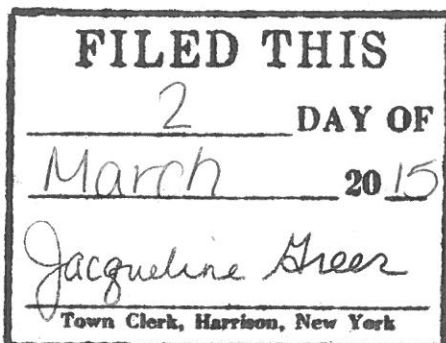
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABESNT: None

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February 11, 2015

2015 - - 066

APPROVAL FOR A SPECIAL EVENT PERMIT FOR ST. VINCENTS
HOSPITAL FUNDRAISING 5K WALK/RUN

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request by Building Inspector Robert Fitzsimmons, on behalf of St. Vincent's Hospital for approval of a Special Event Permit for their fundraising 5k walk/run event on Saturday May 9, 2015.

FURTHER RESOLVED to provide the services of the police department and for the Permit fee to be waived.

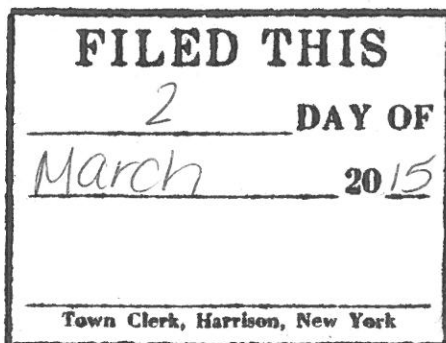
FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Police Department and St. Vincent's Hospital.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:

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- ☐ Recr'tn
- ☒ Supvs'r
- ☒ St. Vincents

February 11, 2015

2015 - - 067

APPROVAL TO HOLD A RECEPTION IN THE MUNICIPAL BUILDING FOR
YOUTH ART MONTH AND RECEPTIONS IN THE MUNICIPAL BUILDING AND
THE WEST HARRISON ANNEX BUILDING TO DISPLAY ART AND PHOTOS
FROM BOTH THE HARRISON CHILDREN'S CENTERS

On motion of Councilman Malfitano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Doreen Grozinger, Chairperson of the Harrison Counsel for the Arts, for approval to hold a reception in the Municipal Building for Youth Art Month on Sunday March 1, 2015 from 1-3 PM.

FURTHER RESOLVED for approval to hold a reception at the Harrison Municipal Building in April 19, 2015 from 1-3 PM and a reception at the Annex Building in West Harrison on Friday May 1, 2015 from 6-8 PM. These receptions will be exhibiting art and photos of the children from both Harrison Children's Centers.

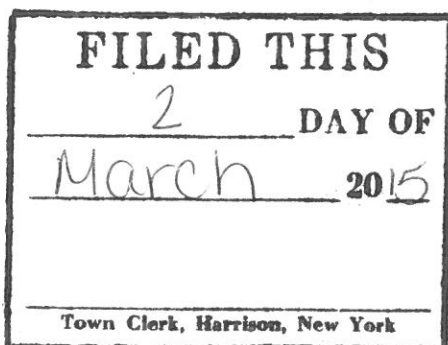
FURTHER RESOLVED to forward a copy of this Resolution to Mrs. Grozinger and the Department of Public Works.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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☐ Purch'g
☐ Recr'in
☒ Supvs'r
☒ Mrs. Grozinger

February 11, 2015

2015 - - 068

AUTHORIZATION FOR A 2014 YEAR ENDING BUDGET MODIFICATION

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the request by Comptroller Maureen MacKenzie for authorization for the following 2014 Year Ending Budget Modification:

Increase:

003-0000-040-4091	\$38,349
Highway Fund – Miscellaneous Federal Aid	

Increase:

003-5110-100-0102	\$7,309
Highway – Salaries	

003-5110-100-0120	\$13,114
Highway – Overtime Salaries	

003-5130-100-0402	\$14,874
Highway Machinery – Equipment Mtce and Repairs	

003-5110-100-0410	\$3,052
Highway – Material and Supplies	

Increase:

001-0000-040-4091	\$15,380
Town – Miscellaneous Federal Aid	

Increase:

001-3120-100-0120	\$11,008
Police – Over Time Salaries	

2015 - - 068 (continued)

001-3120-100-0402 \$3,764
Police – Equipment Mtce and Repairs

001-3120-100-0410 \$608
Police – Materials and Supplies

Increase:

011-0000-040-4091 \$4,197
Fire District #2 – Miscellaneous Federal Aid

Increase:

011-3411-100-0120 \$3,567
Fire District #2 – Over Time Salaries

011-3411-100-0402 \$530
Fire District #2 Equipment Mtce and Repairs

011-3411-100-0410 \$100
Fire District #2 – Materials and Supplies

To increase year end budget 2014 for monies received from New York State Division of Homeland Security. These monies are related to Hurricane Sandy declared on October 30, 2012.

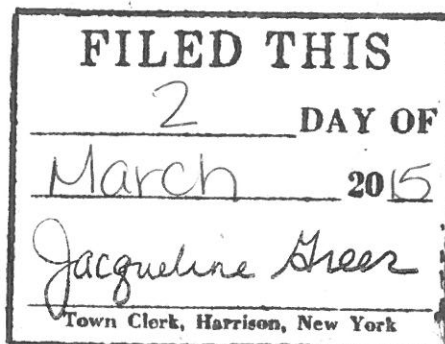
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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February 11, 2015

2015 - - 069

APPROVAL OF THE INTER-AGENCY AGREEMENT BETWEEN
THE SOUTH EAST CONSORTIUM AND THE TOWN OF HARRISON

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the Inter-Agency Agreement between the South East Consortium and the Town of Harrison in the about of \$21,355.00. This amount reflects a zero increase from 2014.

FURTHER RESOLVED that upon approval the Supervisor execute the Agreement.

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

Adopted by the following vote:

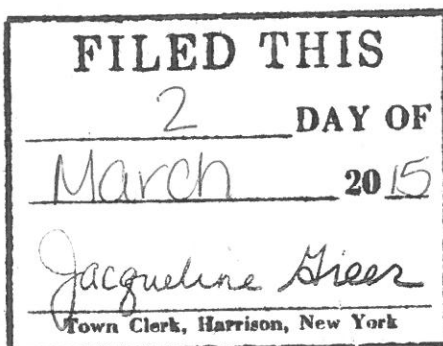
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

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February 11, 2015

2015 - - 070

AUTHORIZATION FOR THE CHIEF OF POLICE TO ACCEPT A DONATION
FROM THE LAMBERTI FAMILY

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to authorize the Chief of Police to accept a donation from the Lamberti Family in the amount of \$300.00. This donation will be utilized for spending at the discretion of the Chief.

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

Adopted by the following vote:

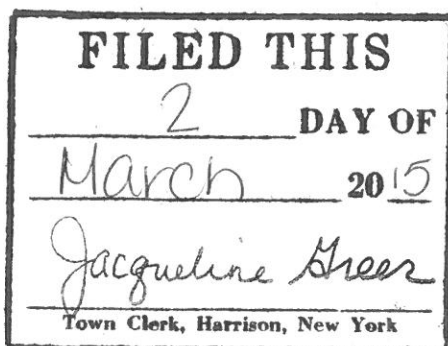
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

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February 11, 2015

2015 - - 071 - - a
AUTHORIZATION TO FILE A JOINT EFFICIENCY PLAN
WITH THE COUNTY OF WESTCHESTER

Comptroller MacKenzie read a memo she wrote to the Board in an attempt to explain the Local Government Efficiency Program.

As you are aware, the Property Tax Cap Legislation took effect for budget years beginning in 2012. For the budget years 2012, 2013 and 2014 we came in under the required tax cap.

Beginning with the 2015 budget year there are some additional requirements and enhancements to the legislation. In addition to coming in under the tax cap for 2015, (which we did) by January 21, 2015 I had to formally certify to the Comptroller's Office that we came in under the tax cap. By doing this, Harrison residents who are STAR eligible will receive a tax freeze credit check. The calculation for the amount of this check will be performed by NYS Tax and Finance. They will issue and mail the checks. Our eligible residents will receive a check equal to their Harrison Town Tax increase for 2015.

So, what is STAR eligible? The taxpayer's primary residence must have qualified for the STAR exemption. It must have been owner occupied, the primary residences, where the resident owners and their spouse's income is less than \$500,000. That is what makes you STAR eligible.

In order for our residents to be able to receive the tax freeze credit check for budget years 2016 and 2017, in addition to Harrison coming in under the tax cap and certifying as such, we will also have to develop an efficiency plan that would identify past, present and/or future shared services, cooperation agreements, mergers and/or efficiencies that have been, or will be implemented by us to achieve savings either individually or in the aggregate. The savings to be achieved is as follows: in 2017, 2018 and 2019 we would have to save 1% of the 2014 Town of Harrison Tax Levy, so for us it is approximately \$500,000.

The look-back period for our municipality with regard to eligible efficiencies commences on the first day of our 2012 fiscal year, which was January 1, 2012.

The County will be proving us with excel templates and consequent sheets that will save us all a great deal of time and effort. They will also be responsible for the submission of the final product to the state on our behalf. There is no charge for this service by the County.

February 11, 2015

2015 - - 071 - - a (continued)

Comptroller MacKenzie said in order to partner with the County I would have to have a resolution approving our participation and partnership.

Comptroller MacKenzie said she wanted to give some information out to the public. I would like to give you a phone number for New York State Department of Taxation and Finance and I think everyone should call and find out where your check is and how much your check will be for. The number is 518-453-8146 and you can ask them where your rebate is.

February 11, 2015

2015 -- 071 -- b
AUTHORIZATION TO FILE A JOINT EFFICIENCY PLAN
WITH THE COUNTY OF WESTCHESTER

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Town of Harrison to file a Joint Efficiency Plan with the County of Westchester for the purpose of submitting the plan to New York State to conform with the Tax Freeze Guidelines.

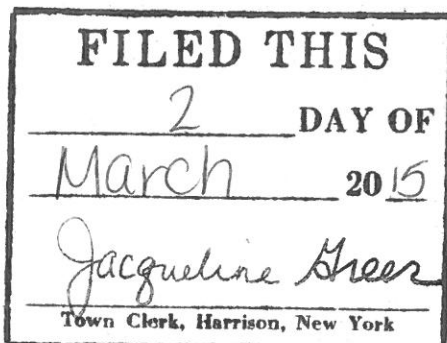
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:

- ___ Assessor
- ___ Benefits
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February 11, 2015

2015 - - 072
OLD BUSINESS

Harrison resident Rob Porto addressed the Board. Mr. Porto said we lost services with our garbage collection; so our taxes only went up a little bit but we did lose services.

Supervisor Belmont asked Mr. Porto when this was done?

Harrison resident Rob Porto said it was done a long time ago when Joan Walsh was in office. This Board should have repealed it. I see that in the beginning of the meeting we had a lot of promotions; I congratulate those people. I see you hired three police officers. I'm sure this is to be more efficient.

Councilman Cannella said these were positions that were in the budget that were open.

Harrison resident Rob Porto said he wanted to make clear that the Town is hiring three new police officers. I'm asking you not to target the residents, in a sense, to pay for more police. We want fair, we don't want to feel like targets. I know the traffic cameras and plate readers are coming.

Police Chief Marraccini said that is a crazy statement to make that the Town of Harrison residents are going to be targets. I feel these words are not even comprehensible.

Harrison resident Elizabeth Pritchard addressed the Board regarding the Lake Street Quarry. In a previous meeting it was mentioned several times that the matter was adjudicated; the agreement between the town and the lawyers working with the quarry. What does that mean?

Town Attorney Allegretti said he didn't know who used the term adjudicated.

Harrison resident Elizabeth Pritchard said that Councilman Malfitano did five times.

Town Attorney Allegretti said a settlement was reached is what that means. It has been made public.

Harrison resident Elizabeth Pritchard said if it was actually adjudicated, were there legal issues involved? Usually adjudicated means that it goes before a court and settled. It is my understanding that this did not go before a court, it did originally but in 2013 the Appeals Court said for it to be sent back to White Plains because the Judge had made the wrong decision. I have a copy of that paperwork.

Town Attorney Allegretti said there are legal issues in every lawsuit. The Appellate Court upheld the Judge. The bottom line is, it was settled. There was not a court order or decision that came down. The parties reached a settlement.

February 11, 2015

2015 - - 072 (continued)

Harrison resident Elizabeth Pritchard said there were issues for some of the parties involved that were not concerned in this agreement. You said it was worth about \$825,000 in potential fines that we did not collect. One of the reasons that we didn't want to collect these fines was because it might involve a lawsuit or more legal fees because Mr. Barrago might sue the town and we might have to pay more legal fees to settle it. If we would have followed through and fined Mr. Barrago and collected those fines it would have been worth \$125 per taxpayer in Harrison.

Town Attorney Allegretti said you are talking about maximum potential fines on code prosecutions that if each and every charge was sustained that that would have been a potential fine coming out of the local court here. That is not typically how judges make decisions. They don't usually max fines out on every single charge that's levied and proven against a co-defendant. The town has made a decision that entering into a global settlement on the property was better than continuing litigation on many different fronts including here in local court, including at the Supreme Court level, including the Appellate Division, and ultimately at the Court of Appeals of New York State. With that backdrop, if you are going to say what the settlement is, you may as well say what all the salient terms are. Right now we have had a stop work order in effect for five years. There has been no activity on site. There are significant benefits to this agreement that I think you are leaving out of the discussion. The Town made a decision that it was in the best interest of all parties to resolve this. The settlement allows Mr. Baraggio or his third party designee to come in and make an application for a different use of the property. There is going to be a new use on the property, if, as it goes through the channels, the Planning Board accepts the site plan and the text amendments that they are going to be proposing and that is all part of the settlement agreement.

Harrison resident Elizabeth Pritchard said I am concerned about the quality of life for the residents of West Harrison. I would like to be able to think that this town would require Mr. Baraggio make that area clean again.

Town Attorney Allegretti said that is the goal of the settlement. If you look at the settlement it says that he has to apply for an Assisted Living Facility. That is one use that we have authorized him to apply for, or his designee, and if that doesn't get approved he has to come back to the Town Board and asked for a second or third success of use; he can't change his mind at the Planning Board and go with a different use. This is the only use he is authorized to go before the Planning Board with.

Harrison resident Elizabeth Pritchard said I'm not sure, and I'm not speaking for all the residents over there, that all are happy with the idea of Assisted Living, which is so many units, that it would be like a four story huge building with parking and traffic. There are issues with the property across the street because he dumped asphalt in the wetlands. That should be cleaned up.

February 11, 2015

2015 - - 072 (continued)

Town Attorney Allegretti said that is all being addressed.

Harrison resident Elizabeth Pritchard said this is all problematic for me because we are telling the Planning Board what he is coming in with and that you better do it.

Councilman Malfitano said absolutely not. We have covered that issue on numerous occasions as it has been raised in several previous Board meetings.

Harrison resident Elizabeth Pritchard said that if Mr. Baraggo does what we asked him to do and we told him what we wanted him to do but if the Planning Board would say no to him he is off scot-free and he never has to pay anything.

Supervisor Belmont said you and others have asked this question numerous times. It has been addressed; if it gets rejected by the Planning Board now he can come to the Town Board and ask for another use. He is not off scot-free.

February 11, 2015

2015 - - 073

MATTERS FOR EXECUTIVE SESSION

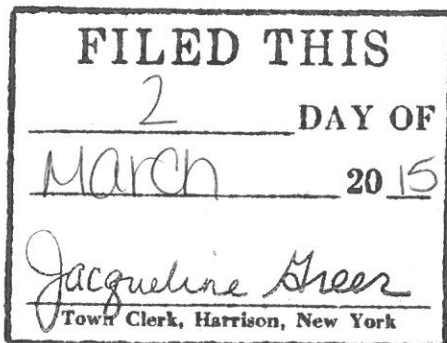
Contract Negotiation: 1
Personnel: 7
Tax Certiorari: 1
Settlement of Claim: 1
Investigation: 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed to Executive Session at 8:17 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 10:25 PM.

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February 11, 2015

2015 - - 074

AUTHORIZATION TO TERMINATE THE EMPLOYMENT OF ANTHONY SACCO
IN ACCORDANCE WITH SECTION 71 OF CIVIL SERVICE LAW

On motion of Councilman Sciliano, seconded by Supervisor Belmont,

it was

RESOVLED to terminate the employment of Anthony Sacco in accordance with Section 71 of Civil Service Law.

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

Adopted by the following vote:

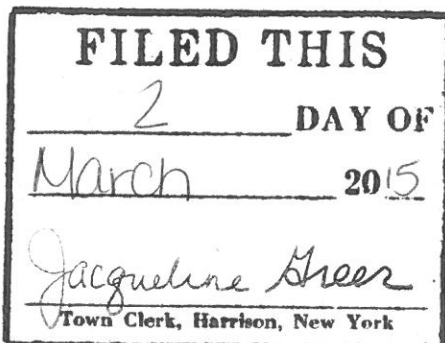
AYES: Councilpersons Amelio, Cannella, Malfitano and Sciliano
Supervisor Belmont

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
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☒ Compt'lr
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☒ Law
☐ Police
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☐ Purch'g
☐ Recr'tn
☐ Supvs'r
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February 11, 2015

2015 - - 075

AUTHORIZATION TO SETTLE THE CLAIM IN THE MATTER OF
DONNELLY, BRIAN V. TOWN OF HARRISON

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to settle the claim in the matter of Donnelly, Brian v. Town of Harrison in the amount of \$932.48 subject to claimant signing general release.

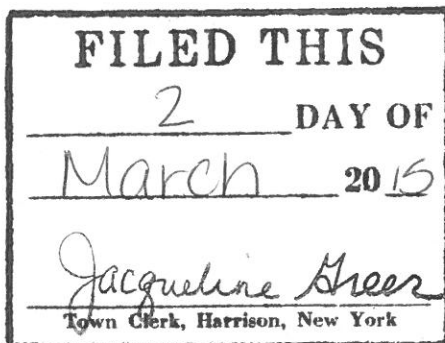
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:

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

February 11, 2015

2015 - - 076

AUTHORIZATION TO SETTLE THE TAX CERTIORARI
IN THE MATTER OF CHURCH OF SAINT ANTHONY

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

RESOLVED to settle the Tax Certiorari in the matter of Church of Saint Anthony.

<u>ASSESMENT</u>	<u>REDUCED</u>	<u>REDUCED</u>	<u>AMOUNT OF</u>
<u>YEAR</u>	<u>FROM</u>	<u>TO</u>	<u>REDUCTION</u>
2011	\$375,350	\$150,000	\$225,350
2012	\$375,350	\$125,000	\$250,350
2013	\$375,350	\$100,000	\$275,350
2014	\$375,350	\$95,000	\$280,350

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella and Malfitano

NAYS: None

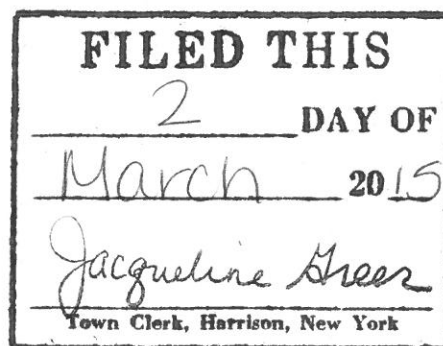
ABSENT: None

ABSTAINED: Councilman Sciliano and Supervisor Belmont

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
declared closed at 10:30 PM.

Respectfully submitted,

Jacqueline Greer
Town Clerk



Copies to:

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