

June 19, 2014

A regular meeting of the Village Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building 1 Heineman Place, Harrison, New York, Westchester County on Thursday June 19, 2014 at 7:30 PM. Eastern Standard Time. All members having received due notice of said meeting.

MEMBERS PRESENT:

Ronald Belmont . . . . . Mayor

Marlane Amelio . . . . .)

Joseph Cannella . . . . .) . . . . . Trustees

Stephen Malfitano . . . . .)

Fred Sciliano . . . . .)

ALSO ATTENDING:

Frank Allegretti . . . . . Town Attorney

Jonathan Kraut . . . . . Village Attorney

Christopher Cipolla . . . . . Deputy Village Attorney

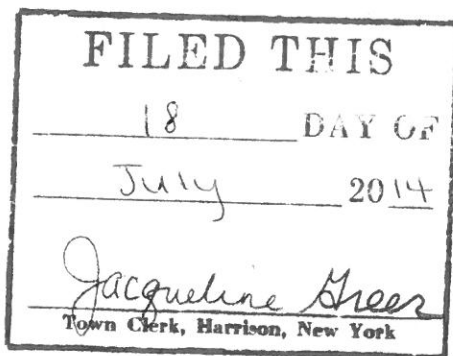
Maureen MacKenzie . . . . . Treasurer

Anthony Robinson . . . . . Commissioner of Public Works

Mark Heinbockel . . . . . Village Assessor

Copies to:

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



June 19, 2014

V - - 2014 - - 138 - - A

PUBLIC HEARING RE: A FRANCHISE AGREEMENT WITH  
VERIZON NEW YORK, INC. FOR CABLE SERVICES

TOWN-VILLAGE BOARD OF HARRISON

PUBLIC HEARING

-----  
PUBLIC HEARING ON PROPOSED FRANCHISE AGREEMENT WITH  
VERIZON NEW YORK, INC.  
-----

June 19th, 2014  
7:30 p.m.

The above entitled matter held on the 19th day in June of 2014 at 7:30 p.m., at the Alfred F. Sulla, Jr. Municipal Building in the Town/Village of Harrison Meeting Room, One Heineman Place, Harrison, New York, 10528, before, HAILEY A. CONTE, a Certified Court Reporter and Notary Public within and for the State of New York.

COURT REPORTER & NOTARY PUBLIC  
Hailey A. Conte  
50 Puritan Drive  
Scarsdale, New York 10583  
HaileyConte426@gmail.com  
(646) 879-7812

1       A P P E A R A N C E S:

2

3       TOWN VILLAGE OF HARRISON BOARD:

4       Ronald Belmont-Supervisor/Mayor

5       Fred Sciliano- Councilman/Trustee

6       Joe Cannella-Councilman-Trustee

7       Stephen Malfitano-Councilman/Trustee

8       Marlane Amelio-Councilwoman/Trustee

9       Jackie Greer-Town/Village Clerk

10

11       TOWN VILLAGE OF HARRISON - LAW DEPARTMENT

12       Frank P. Allegretti - Town Attorney

13       Jonathan Kraut - Village Attorney

14       Christopher Cipolla - Deputy Village Attorney

15

16

17

18

19

20

21

22

23

24

25



1 MR. KRAUT: We are going to ask at  
2 the conclusion of your hearing that you  
3 specifically resolve to carryover any  
4 comments from the hearing into the Village  
5 agenda as well so that as a co-terminus town  
6 any action that we take as a Town will do  
7 the same thing with regard to the Village.

8 If you want to just announce what the  
9 hearings were because I know we have two  
10 listed for today.

11 THE MAYOR: Number one, is a  
12 franchise agreement with Verizon New York  
13 cable services for the Town-Village of  
14 Harrison.

15 MR. KRAUT: Just to sort of tee this  
16 up, this is a public hearing for the public  
17 to make comments on it.

18 Obviously, there has been an ongoing  
19 process that goes back for some time. What  
20 we are going to do first is I am just going  
21 to introduce for the clerk's records certain  
22 documents for the public record.

23 The first has been marked as Exhibit  
24 1 and that is the affidavit of publication  
25 with regard to this public hearing and I

1 will hand that to the clerk as our first  
2 exhibit.

3 The second exhibit is the transmittal  
4 letter from Verizon dated June 5th, 2014 to  
5 the Town Clerk, Jacqueline Greer, enclosing  
6 the proposed cable franchise agreement and  
7 also pursuant to 16 NYCRR section 894.5, the  
8 application of Verizon to the Town. We will  
9 file that as Exhibit 2.

10 Exhibit 3 is a notification from  
11 Verizon sent to David Ellin (Ph.) Executive  
12 Vice President and general counsel for  
13 Cablevision and we file that as Exhibit 3 in  
14 the public hearing.

15 Exhibit 4 is the requisite  
16 application for cable television franchise  
17 by Verizon that had accompanied the earlier  
18 correspondence, that is marked as Exhibit 4.

19 Exhibit 5 is a letter dated June 17,  
20 directed to Mayor Belmont and copied to all  
21 the town board members by Dan Ahouse,  
22 A-H-O-U-S-E, area director of government  
23 affairs for Cablevision and that contained  
24 comments of Cablevision concerning  
25 Verizon's proposed cable television

1 franchise in the Town-Village of Harrison.

2 Along with it is a draft noted  
3 thereon subject to final approval by  
4 Cablevision, a proposed Cablevision  
5 franchise agreement between the town and CSC  
6 acquisition operated by Cablevision.

7 In essence this is a proposal to  
8 change the terms of their existing franchise  
9 agreement with the town, and we submit that  
10 to the clerk as Exhibit 6.

11 Exhibit 7 is a seven page document  
12 that has a sequence, and there are more than  
13 one on some of the pages, of comments that  
14 were submitted to the town in connection  
15 with this application and that is  
16 collectively submitted to the clerk as  
17 Exhibit 7.

18 Exhibit 8 is a transmittal letter  
19 June 19, 2014 which is a revised draft of  
20 the proposed Verizon agreement and that was  
21 submitted to the Law Department under the  
22 signature of Pamela Goldstein on behalf of  
23 Verizon. She is the assistant general  
24 counsel and that is Exhibit 8.

25 And then, along with that document,

1 is what we have marked as Exhibit 9 in this  
2 public hearing which is the proposed cable  
3 franchise agreement between the Town-Village  
4 of Harrison and Verizon New York and that  
5 accompanied the letter that was marked as  
6 Exhibit 8.

7 Lastly, we have Exhibit 10. Exhibit  
8 10 is a confirmation email. That is an  
9 acknowledgment email that acknowledged by  
10 Cablevision receipt from Pamela Goldstein,  
11 who is assistant general counsel of Verizon  
12 a copy of essentially what is Exhibit 9 and  
13 Exhibit 8 which preceded this, this  
14 confirmation their receipt of the proposed  
15 modified agreement is handed up to the clerk  
16 as Exhibit 10.

17 That concludes the base exhibits for  
18 consideration of the hearing at this time.

19 The next step is to hear public  
20 comment and certainly we can hear public  
21 comment, as courtesy to the applicant, if  
22 there is a representative from the applicant  
23 here and wishes to speak, we'd invite them  
24 to the podium to identify themselves and  
25 make any comments that they wish to.

1 MS. GOLDSTEIN: Good evening

2 Mr. Mayor, members of the board, my name is  
3 Pamela Goldstein and I am assistant general  
4 counsel at Verizon.

5 With me here tonight is Verizon's  
6 outside counsel John Harrington of the Kirby  
7 Harrington Law Firm and Verizon's FTTP  
8 projet manager Jose Silva.

9 We are delighted to appear before you  
10 and to be taking this historic first step  
11 towards allowing Verizon to provide video  
12 choice and competition to Harrison consumers  
13 for the first time in almost 40 years.

14 Verizon has worked diligently with  
15 the municipality to introduce the benefits  
16 of competition through a robust franchise  
17 agreement that is legally sound, fulfills  
18 Harrison's cable related needs, and will  
19 enable Verizon to compete head on with  
20 Cablevision on a competitively neutral  
21 basis.

22 Verizon has made a tremendous  
23 investment in the municipality by building a  
24 100 percent fiber to the premises or FTTP  
25 technology commonly known as FIOS.

1           This service is competitive  
2           alternative to the video services offered by  
3           the incumbent cable and satellite providers.

4           Almost a decade ago the New York  
5           Public Service Commission recognized that  
6           Verizon obtained independent authority to  
7           upgrade its telecommunications network with  
8           FTTP. Verizon has complied and will  
9           continue to comply with all local time,  
10          place, and manner permitting requirements.

11          With your indulgence, I would like to  
12          take a few minutes to give you an overview  
13          of the process and the agreement.

14          In terms of process the PSC created  
15          in 2005, with the advent of competition, a  
16          level playing field requirement that you  
17          will be hearing a lot about tonight, no  
18          doubt.

19          The commissions level playing field  
20          role as I'll call LPF contained in 16 NYCRR  
21          895.3 provides that no municipality may  
22          award or renew a franchise for cable  
23          television service which contains economic  
24          or regulatory burdens which when taken as a  
25          whole are greater or lesser than those

1 burdens placed upon another cable television  
2 franchisee operating in the same franchise  
3 area.

4 In its very first confirmation order  
5 approving a competitive Verizon franchise  
6 the PSC established that a level playing  
7 field analysis must focus on each agreement  
8 as a whole and that precise mathematical  
9 equality is not required.

10 Further, that immaterial or  
11 speculative differences in the burdens  
12 imposed on competing providers would not be  
13 taken into account. Rather, the intent of  
14 the rule is to maintain flexibility while  
15 ensuring fairness among the various parties.

16 To ensure fairness, the regulations  
17 also contemplate a role for the incumbent  
18 cable provider during the competitive  
19 franchising process.

20 By way of context, John Harrington  
21 and I have been doing this for almost a  
22 decade and can personally attest to the fact  
23 that our counterparts at Cablevision, whom  
24 we've known for a long time and some of whom  
25 are here tonight in almost every instance

1           actively participate in the hearing process  
2           and provide written advocacy.

3           Despite their pro competitive  
4           rhetoric however, this advocacy is simply  
5           the reaction of an entrenched incumbent  
6           provider who would prefer to avoid or delay  
7           the arrival of meaningful competition.

8           While basing arguments on the level  
9           playing field, these are utterly without  
10          merit and are predicated on its self serving  
11          effort to protect its market dominance. And  
12          at the present time the field is as tilted  
13          in Cablevision's favor as it could possibly  
14          be.

15          With that background, I'd like to  
16          highlight the many similarities between the  
17          agreements despite Verizon's position as a  
18          brand new market entrant.

19          Both companies are required to pay a  
20          franchise fee to the municipality of  
21          five percent of gross revenues and both  
22          companies have agreed to waive application  
23          of the franchise fee as an offset against  
24          the special franchise tax payable pursuant  
25          to section 626 of the New York Real Property



1 Tax Law.

2 Further, both companies base gross  
3 revenue on the same revenue base. Both  
4 companies are required to pay interest on  
5 late franchise fee payments. Both companies  
6 are required to reimburse the town up to  
7 \$7,500.00 if an audit determines that  
8 payment to the municipality should be  
9 increased by five percent or more.

10 Both companies are required to  
11 provide a security in the amount of  
12 \$30,000.00 to secure performance of their  
13 franchise obligations.

14 Both companies are required to  
15 promptly restore municipal property to  
16 pre-existing condition.

17 Both companies are required to  
18 connect at their expense as other than a  
19 standard installation charge. All  
20 residential dwelling units within 250 feet  
21 of trunk or feeder lines.

22 Both companies are required to  
23 maintain excess liability or umbrella  
24 coverage of at least 10 million dollars.

25 Both companies are required to comply

1 with the municipality's local time, place  
2 and manner permitting requirements.

3 Both companies are required  
4 to indemnify the municipality for claims  
5 arising out of the franchise.

6 Both companies are required to  
7 provide at least three and possibly four PEG  
8 channels subject to usage triggers.

9 Both companies are required to  
10 provide direct PEG access connections to up  
11 to four locations in the municipality  
12 including Harrison High School, Town Hall  
13 and the Louis Klein Middle School.

14 Both companies are required to  
15 provide free cable service to up to 39  
16 municipal and school buildings.

17 Both companies required to provide  
18 funding of the municipality in support of  
19 local public educational and government  
20 accessed programming.

21 Cablevision has pointed out in its  
22 June 17, 2014 letter which was entered into  
23 the record, there are some differences in  
24 distinct franchise provisions.

25 I would like to touch on some of

1           these briefly and if there are follow-up  
2           questions after public comment I would be  
3           more than happy to answer them.

4           First, free service. Since there is  
5           no provision of federal or state law  
6           mandating Verizon to provide free cable  
7           service, this is only relevant, if at all,  
8           in the context of a level playing  
9           field analysis.

10           Apparently, Cablevision provides its  
11           family cable service to municipal buildings.  
12           This package contains more channels than the  
13           basic service that Verizon will provide free  
14           of charge.

15           Cablevision asserts that this has an  
16           incremental value of \$146,000.00 but has  
17           provided no data to support that claim.

18           This burden is a small percentage of  
19           a total revenue at issue in a municipality  
20           the size of Harrison.

21           Cablevision currently has 100 percent  
22           of cable subscribers. It also disregards  
23           the costs to Verizon as a new market entrant  
24           of bringing the free service drops into the  
25           buildings when, at least for a substantial

1           portion of the franchise agreement term, it  
2           will have far fewer subscribers than  
3           Cablevision from whom to recover its costs.

4           And in any event, as the PSC stated  
5           in 2006, the LPF rule does not preclude the  
6           existence of different franchise terms for  
7           different companies as they roll out their  
8           cable service should events and  
9           circumstances so warrant.

10          Second, build-out. Cablevision is  
11          required to make service available to  
12          residents throughout the entire  
13          municipality. Verizon, on the other hand,  
14          is required to serve residents within a  
15          defined franchise area of the municipality.

16          The PSC has explicitly acknowledged  
17          the right of cable television companies to  
18          enter into agreements that do not cover an  
19          entire municipality and Cablevision itself  
20          enjoys such an arrangement just southwest of  
21          New York City where it is required only to  
22          serve Brooklyn and the Bronx and in other  
23          areas of the state such as the Town of  
24          Poughkeepsie where it and Time Warner  
25          provide service in separate not overlapping

1 portions of the town.

2 The PSC recognized that limited  
3 franchise area definition served the public  
4 interest. This past January the PSC  
5 approved Verizon's franchise agreement with  
6 the Village of Pinellas which, just like  
7 Harrison's proposed agreement, contains a  
8 franchised area definition that is limited  
9 to the area within which Verizon has already  
10 built out its FTTP facilities.

11 Moreover, in 2009 the PSC approved  
12 Verizon's agreement with the Town of Cicero,  
13 another agreement that covered only a  
14 portion of the municipality finding that  
15 such an agreement was consistent with public  
16 policy since with the emergence of  
17 competition allowing geographically limited  
18 franchises is reasonable and may foster  
19 competition.

20 Finally, the PEG grant. It is well  
21 established that PEG grant's obligations of  
22 competing franchisees must be prepared on a  
23 going forward basis only and that  
24 expenditures made by Cablevision before  
25 Verizon's market entry are some costs that

1 are not relevant to a competitive neutrality  
2 or level playing field analysis.

3 Cablevision erroneously argues that  
4 Verizon's PEG grant obligation to Harrison  
5 will be capped at \$135,000.00 in complete  
6 disregard for the per subscriber formula  
7 that can result in substantially higher  
8 payments to the municipality as Verizon's  
9 market share increases.

10 Cablevision also argues that under  
11 Verizon's proposal the municipality will  
12 receive \$45,000.00 less from Verizon than  
13 Cablevision and will trigger a \$45,000.00  
14 decrease in PEG funding for Cablevision.  
15 This is incorrect.

16 Verizon is providing a PEG grant that  
17 is designed to make the municipality whole  
18 if Cablevision reduces its PEG grant  
19 payments on a going forward basis by  
20 establishing a payment floor, not a ceiling.

21 Recognizing Cablevision's dominant  
22 role in the market and Verizon's role as a  
23 new entrant, the burden ultimately imposed  
24 on a per subscriber basis on Cablevision  
25 will be a fraction of the effective cost per

1 subscriber associated with Verizon's  
2 payments.

3 Further, to highlight the unseemly  
4 nature of Cablevision's claims regarding the  
5 disparities in PEG funding, the company,  
6 Cablevision went to tremendous lengths in  
7 2010 doing its own confirmation proceedings  
8 for its renewal agreement to maintain in  
9 tact section 5.3.2 of its agreement, a  
10 provision that provides Cablevision in its  
11 own words, contractual assurance that will  
12 not be subject to a competitive disadvantage  
13 with respect to PEG funding obligations.

14 Cablevision stated that this is a  
15 self executing remedy in the event Verizon  
16 is allowed to enter the cable market in the  
17 town subject to PEG terms that are more  
18 advantageous or less burdensome.

19 Cablevision explicitly recognized  
20 that nothing in its agreement binds the town  
21 into imposing -- this is Cablevision's  
22 words, identical equal cash grant payment on  
23 Verizon or otherwise prohibits the  
24 establishment of different PEG franchise  
25 terms for subsequent franchisees.

1           Instead, Cablevision's agreement  
2           contains a contractual remedy PEG parity is  
3           not obtained. So the very harm that  
4           Cablevision cites is entirely within their  
5           power to remedy.

6           Further, due to Verizon's -- market  
7           share, it is Verizon, not Cablevision, that  
8           will bear the greater economic burden on the  
9           going forward PEG grant basis.

10          Cablevision also cited a number of  
11          other meaningless disparities between the  
12          agreements. However, these items are  
13          speculative or based on obligations that are  
14          already imposed on Verizon by applicable  
15          law, and in any case, ill defined in terms  
16          of economic impact and counterbalanced by  
17          Verizon's status as a new market entrant.

18          Cablevision's claims must be  
19          considered in the very narrow context in  
20          which they are offered, to promote its own  
21          pecuniary interest in forestalling Verizon's  
22          market entry at all costs. It is imperative  
23          that you review them and Cablevision's  
24          grievances in this very narrow context.

25          It took many years to get here and



1 Verizon is very eager to start offering FIOS  
2 TV service to Harrison residents who are  
3 here tonight to speak their mind about  
4 wanting competition and choice.

5 I would be more than happy to answer  
6 any questions you may have. Thank you for  
7 your time and consideration.

8 MR. KRAUT: Thank you.

9 (Whereupon the audience applaud.)

10 MR. KRAUT: At this time we would  
11 like to invite up to the podium any members  
12 of the public who wish to provide a comment  
13 directing at the board concerning this  
14 proposal.

15 MR. FUNCK: Good evening, my name is  
16 Bob Funck. I live here in Harrison in a  
17 cooperative development with about 250  
18 families.

19 Verizon installed their FIOS  
20 infrastructure in both of our buildings  
21 probably seven or eight years ago to the  
22 extent that I have a fiberoptics drop in the  
23 front hall closet of my unit.

24 And in anticipation of getting the  
25 service, at that time, I actually had an

1 electrician install an electrical outlet in  
2 that closet so I would be able to connect up  
3 the premise equipment that Verizon requires.

4 Unfortunately Verizon's investment  
5 and mine in that infrastructure has been  
6 useless because without the ability to both  
7 have the internet service as well as  
8 broadcast and cable television channels,  
9 FIOS is of no use or is of no interest to  
10 me.

11 Now, over the years I have made  
12 numerous requests to both Verizon and the  
13 town as to why the television services were  
14 not available in our community when it seems  
15 to me that in every surrounding community  
16 where FIOS had been installed, a full suite  
17 of services was available.

18 So I guess I would urge the town to  
19 move forward as expeditiously as possible on  
20 this franchise application.

21 What I was really hoping to hear this  
22 evening, which I don't know if I will, was  
23 either an explanation from the Board or the  
24 FIOS representative as to why, as the FIOS  
25 representative said, it's taken many years

1 to get here.

2 Why has it taken so long? I have  
3 made requests over the years and never had a  
4 clear explanation from anyone.

5 THE MAYOR: Mr. Funck, make sure you  
6 sign your name to the pad.

7 MR. FUNCK: Sure.

8 MR. KRAUT: If the speakers could,  
9 each as you speak --

10 (Whereupon the audience applaud.)

11 MR. KRAUT: If you could as you speak  
12 just identify both your name and your  
13 address.

14 DR. LIEBERMAN: I'm Dr. Beth  
15 Lieberman. I live at 2 Legend Court in West  
16 Harrison and I too have been complaining for  
17 many, many years about not having the  
18 ability to choose between Cablevision,  
19 Direct TV and FIOS.

20 Our internet service and telephone  
21 was so terrible with Cablevision. As soon  
22 as FIOS was drawn to our house we got the  
23 internet and our telephone line back.

24 We've never had a problem with the  
25 internet. It's excellent. And I've

1           been complaining since that time about the  
2           television.

3           Our Cablevision bill is now over  
4           \$250.00 a month, just the TV and nothing  
5           else. My daughter lives in Scarsdale. My  
6           friend lives in Thornwood.

7           Everyone has FIOS and is very happy  
8           with it and I am really incensed that FIOS  
9           has not been allowed to give me the services  
10          that I would like. I certainly would like a  
11          choice between Cablevision and FIOS.

12          I urge the Board to rapidly approve  
13          this so that the residents of Harrison and  
14          West Harrison and Purchase have a choice and  
15          that Cablevision should not be monopolizing  
16          our choice for TV. Thank you.

17          (Whereupon the audience applaud.)

18          MS. PANARCHER: My Darren Panarcher  
19          (Ph.) and I thank the Mayor and the Board  
20          for allowing all of us to speak tonight.

21          This is an important issue for us  
22          because many of us like me, I have a  
23          business at home. I have a global business.  
24          We are the alternate energy development  
25          business.

1           We have offices in Canada, The UK,  
2           Georgia, and we also have a lot of work that  
3           we do internationally.

4           It's critically important for me to  
5           have internet and phone service that is  
6           reliable.

7           I cannot and will not ever switch  
8           from FIOS. We were one of the first in our  
9           neighborhood to have FIOS and for me to do  
10          business, to conduct business, I have to  
11          have a reliable service.

12          Therefore, it's a restraint of trade  
13          because what happens is I am not allowed to  
14          then bundle my services to have a lower  
15          overall bill. And all of us who know, it is  
16          almost impossible to lower fixed expenses.

17          Our taxes continue to rise as do our  
18          fixed expenses and when you have the ability  
19          to lower a fixed expense, that is very,  
20          very, important to everyone here.

21          So I am hoping that finally after  
22          much time researching, I have called Verizon  
23          five years ago, I actually spoke to a group  
24          in Virginia that explained the situation to  
25          me why we do not have Verizon service here

1 in Harrison, I actually have more of a  
2 campaign going on.

3 The Mayor actually sent me back an  
4 email I sent him over a year ago because he  
5 asked me to put this grievance in writing.

6 So I am certainly hoping that tonight  
7 we can resolve this and get fair trade of  
8 service.

9 MS. CARLSON: Hi, my name is April  
10 Carlson. I live at 103 Columbus Avenue in  
11 West Harrison. I may live in the same co-op  
12 that Mr. Funck -- is that who it was?

13 MR. FUNCK: A different development.

14 MS. CARLSON: Okay. Well, I am going  
15 to make this short and sweet. I am pleased  
16 that both Verizon and the town have decided  
17 to revisit the FIOS franchise.

18 And I'd like to comment, the  
19 residents in Harrison should have a choice  
20 in TV service providers.  
21 Competitive pricing is a good thing. It can  
22 only work to our advantage.

23 Thank you very much.

24 MR. SMITH: Hi, my name is Brian  
25 Smith. I am a resident of Harrison. And

1 unlike the other people who have spoken on  
2 behalf of their interest in FIOS, I am also  
3 an employee of Verizon, but I'm here  
4 speaking as a resident of Harrison.

5 I would just like to say, I do enjoy  
6 my job. I get to watch fantastic TV in all  
7 the surrounding municipalities outside of  
8 Harrison. I am enjoying the World Cup.  
9 There's a lot of great programming on.

10 Then when I come home, I'll find  
11 pixilation, which is when the TV jitters and  
12 I only have one TV in my house.

13 Even Cablevision customers would have  
14 better service in Harrison with competition.  
15 They would have to clean up their act.

16 (Whereupon the audience applaud.)

17 MR. FAULK: Good evening, Mr. Mayor,  
18 members of the council, public. My name is  
19 Adam Faulk.

20 I am vice president of government  
21 affairs with Cablevision. I appreciate the  
22 opportunity to be here this evening.

23 As stated earlier, we submitted a  
24 letter for the record that outlines our  
25 concerns with the proposed franchise.

1 I am here to tell you that we are  
2 certainly not afraid to compete with  
3 Verizon. We compete with them in hundreds  
4 of communities around New York State and the  
5 tri-state area.

6 We simply ask that the franchise be  
7 provided on a level playing field, that  
8 equal competition is, I think, as American  
9 as apple pie and that it is imperative that  
10 the town address the things that Cablevision  
11 has raised in its correspondence with you.

12 We have submitted a proposed modified  
13 franchise agreement for you. That agreement  
14 sets forth the things that we believe, based  
15 upon our read of the proposed Verizon  
16 franchise agreement, would make competition  
17 level and fair in the community.

18 I think that we have been a good  
19 corporate citizen here in the town for many  
20 years. We have provided many public  
21 benefits and we have the right to have  
22 competition be provided fairly and equally.

23 I just want to highlight a few of  
24 those things. I see Paul Valentine here who  
25 is the cable commission chair and someone



1           who we have worked with for many years.

2           Paul has been at the forefront of  
3           demanding, in the cable franchise process  
4           certain benefits coming back to the  
5           residents and the town.

6           And unfortunately some of those  
7           benefits that the town fought very hard for  
8           and aggressively for in the past, and in  
9           some cases were depastures in terms of  
10          Cablevision's ordinary franchizing benefits  
11          that it provides in these franchise  
12          agreements.

13          Despite those things, we provided  
14          them here in Harrison in order to address  
15          what the cable related needs are of this  
16          community and unfortunately you see in the  
17          proposed Verizon agreement, that some of  
18          those benefits are not present.

19          Most notably the free service  
20          commitment. There is a commitment to  
21          provide free services up to 39 locations  
22          here in the town; the schools, the  
23          libraries, the municipal building and in  
24          Cablevision's agreement it's very clear and  
25          explicit that be provide those services at

1 the basic level and at the expanded basic or  
2 family level. Cablevision has a tier of  
3 programming optimum value \$64.95.

4 The basic service that Verizon is  
5 offering for free in its franchise agreement  
6 is a much lesser tier of service.

7 Ms. Goldstein said she was unaware of  
8 how we calculated the \$146,000.00 in offset  
9 between the Cablevision benefit and the  
10 Verizon benefit. Simply put \$12.99 for  
11 basic service versus \$64.95 for an optimum  
12 value with probably 100 more channels that  
13 we provide multiplied by six years, 12  
14 months a year and 39 locations.

15 And it's very clear that the benefit  
16 being provided by Verizon is significantly  
17 less than the benefit offered by  
18 Cablevision.

19 I think it is incumbent, as we put  
20 into the proposed agreement, that if that is  
21 the benefit that the town believes is  
22 necessary, and that the expanded basic or  
23 value service is not a benefit, that it  
24 needs to require of all operators, then it  
25 should simply modify our franchise this

1 evening in order to address that.

2 In terms of the PEG grant, we have  
3 been engaged with Verizon in the City Glen  
4 Cove very recently and another area where it  
5 was unfranchised and they decided to come in  
6 and obtain a franchise in that case.

7 After much back and forth over the  
8 value of the PEG grant, they made arguments  
9 that the PEG grant should be looked at on a  
10 going forward basis in that community.

11 They offered a \$21,000.00 PEG grant  
12 and it was determined that Cablevision has  
13 \$42,000.00 remaining on its obligation to  
14 the town and at the evening of the public  
15 hearing they amended the franchise agreement  
16 prior to the City Council taking action and  
17 addressed that difference.

18 It's very clear that we have  
19 \$180,000.00 remaining on the obligation that  
20 we have made to the town, \$450,000.00 all  
21 told, but \$180,000.00 remaining over the six  
22 years and it's very clear despite the  
23 discussions about PEG per sub and the amount  
24 of customers they are going to have.

25 If you look at their minimum payment

1           it's \$22,000.00, \$22,500.00 over six year  
2           constitutes \$135,000.00; \$45,000.00 less  
3           than the going forward balance that  
4           Cablevision has on its franchise.

5           We simply ask that our agreement be  
6           amended to make clear that our obligation  
7           only be \$135,000.00 going forward and that  
8           would constitute a level playing field or in  
9           the alternative, we think that Verizon  
10          should step up and provide the same PEG  
11          grant that Cablevision has remaining over  
12          the six years despite the fact that we've  
13          paid quite a bit more than that in years  
14          past and offer the town \$180,000.00. Very  
15          simple. Very clear.

16          With regard to build-out, the issues  
17          that are raised are ones that are before the  
18          Public Service Commission now.

19          The fact is that we provide service  
20          to virtually 100 percent of the residential  
21          areas of the Town of Harrison, that under  
22          their proposed franchise, there will be  
23          parts of the community that will remain  
24          unserved.

25          There will be a system of haves and

1           have-nots, you know, if people have  
2           competition, a wire-line competition and  
3           other areas where they don't have wire-line  
4           competition, the cost associated with  
5           build-out particularly in areas that are  
6           underground are higher.

7           And what we've seen is that Verizon,  
8           time and again, has avoided those areas in  
9           places where their costs are higher. And we  
10          think that should be addressed in their  
11          franchise as well.

12          And we are ready and willing to  
13          compete with them here in Harrison. We  
14          believe that the town should simultaneously  
15          act to amend our franchise to address the  
16          concerns that we've raised.

17          And we're certainly happy to take any  
18          questions that you might have. Thank you.

19          THE MAYOR: Thank you. Would anyone  
20          else like to come so the mic.?

21          MR. KRAUT: Any further public  
22          comments?

23          Going once, twice -- I see a hand in  
24          the back.

25          MR. BARKER: My name Quent Barker and

1 I am a resident of Harrison for about 12  
2 years now and I wanted to give you a couple  
3 of perspectives.

4 I'm on the board of a couple of cable  
5 companies of where I work, one which is RCN  
6 in the city, so I'm sure some of the people  
7 here have been customers there and obviously  
8 I'm also a customer. So I have a bit of  
9 perspective on those sides of the business.

10 I apologize, I had dinner with my  
11 family. I missed the opening statement. So  
12 if I'm speaking out of line, I apologize in  
13 advance.

14 I understand that some of the  
15 concerns that the town has had in the past  
16 about allowing FIOS to come in has to do  
17 with, what it sounds like this discussion  
18 was about, making an equivalent level  
19 playing field for both companies.

20 I would just say as a resident and a  
21 consumer my concern is that whether the town  
22 gets the same economics out of FIOS or not  
23 is somewhat irrelevant as a tax payer  
24 because we back stop the finances of the  
25 town. So whether that money goes into the

1 town's budget or not, we will still as tax  
2 payers have to make up the difference. So  
3 this is not speaking as a cable company  
4 shall because this is in opposition to what  
5 they would want.

6 But as a resident of the town, I  
7 would like to see competition so that even  
8 if the town budget doesn't benefit from  
9 having the same economics with a provider,  
10 at least the citizens get the benefit of the  
11 competition and we can use those savings to  
12 supplement with what the town needs, as our  
13 taxes rise, to offset this lack of finance.

14 MR. FUNCK: Can I make a follow-up  
15 comment?

16 MR. KRAUT: From the microphone.

17 MR. FUNCK: It's Bob Funck, again. I  
18 would like a couple follow-up comments  
19 regarding the remarks made by Verizon and  
20 Cablevision representative.

21 First of all I would like to kind of  
22 second the comments of the previous  
23 gentleman in terms of the amount of funds  
24 that accrue to the town from the cable  
25 franchise agreement because whether we're

1           paying the money to the town indirectly  
2           through our cable bill or directly through a  
3           tax levy, it really is irrelevant. One way  
4           or the other the citizens of the community  
5           are the ones who fund the operations of the  
6           town.

7           So I think this whole discussion  
8           about the degree of free services that are  
9           being provided by Verizon versus Cablevision  
10          should be irrelevant.

11          Second of all, the Cablevision  
12          representative seemed to make a big point  
13          out of the fact that the Verizon franchise  
14          agreement would not necessarily cover the  
15          entire town.

16          I guess in my point of view,  
17          competition for part of the town is better  
18          than no competition at all. Thank you.

19          THE MAYOR: Thank you.

20          MR. KRAUT: Thank you. Anyone else?

21          MR. BARKER: Is it all right if I  
22          make a follow-up comment?

23          THE MAYOR: Yes.

24          MR. BARKER: From my direct  
25          experience and this came out of a board



1 meeting that we had with RCN -- I'll just  
2 say that as a competitor to FIOS and some of  
3 the markets we operate in, what we typically  
4 see happening is, we put a lot more  
5 investments into those markets where we're  
6 competing, particularly on the data side  
7 with high speed.

8 So the earlier gentleman's point,  
9 half the town is better than none because  
10 people move across town and these cable  
11 companies do not want to see somebody  
12 disconnect and move five miles away and have  
13 another option.

14 So they want to get ahead of that and  
15 be competitive and have enough promoters who  
16 are as positive as opposed to negative which  
17 is where most of them are now, so I would  
18 echo that comment.

19 But I think having any competition is  
20 going to be very positive for the residents  
21 today with the existing service whether they  
22 decide to switch or not.

23 THE MAYOR: Thank you.

24 MR. KRAUT: Mr. Mayor, if there is  
25 not any other further public comment I just

1 want to -- again, two issues for the town  
2 board and then I'd ask you to close the  
3 hearing.

4 The first is that, for the benefit of  
5 anyone who has an interest that they wish to  
6 further address beyond this board it does go  
7 up to the PSC for approval. So to the  
8 extent that Cablevision has an objection  
9 that they feel hasn't been addressed they  
10 will have an opportunity there.

11 We can say this, that it has been  
12 fully vetted. We are confident that a level  
13 playing field does exist in the proposed  
14 agreement, period.

15 Second point, just to close it out,  
16 is that I know that I have heard that part  
17 of the town is better than none. But  
18 actually, it really, from our analysis, it's  
19 almost all of the town.

20 It's 91 percent of single, two family  
21 and three family dwellings and it kicks up a  
22 little bit to a higher percentage when you  
23 consider multi-families, apartment  
24 buildings, et-cetera. So it's really not  
25 half the town. It's nearly all the town.

1           So if you could we would ask that you  
2           make a motion to close the hearing, carry  
3           everything from this hearing into your  
4           village agenda, and then if you so choose,  
5           to go ahead and vote.

6           MS. AMELIO: I'll make a motion.

7           THE MAYOR: Second?

8           MR. CANNELLA: Second.

9           THE MAYOR: All in favor?

10          MR. CANNELLA: Aye.

11          MR. SCILIANO: Aye.

12          MR. MALFITANO: Aye.

13          MS. AMELIO: Aye.

14          THE MAYOR: Aye.

15          MR. CANNELLA: I'll make a motion  
16          that we approve the Verizon franchise  
17          agreement and authorize the Mayor to sign  
18          this the same, subject to review of the  
19          final contract by our legal department and  
20          the public record hearing be moved in total  
21          to the village board.

22          MS. AMELIO: I'll second it.

23          MR. SCILIANO: Before we vote, I just  
24          want to disclose, my company has performed  
25          work for Verizon in the past. I am not

1 currently in any contractual obligation with  
2 them.

3 When we do work for Verizon it's on a  
4 competitive basis and the last time we  
5 performed a job for them was January 2013.  
6 So while I am not recusing myself, I just  
7 want to go on the record that my company has  
8 performed work with Verizon in the past.

9 THE CLERK: All in favor?

10 MR. KRAUT: Can we take a role call,  
11 please?

12 THE MAYOR: Yes.

13 THE CLERK: Councilman Sciliano.

14 COUNCILMAN SCILIANO: Yes.

15 THE CLERK: Councilman Malfitano.

16 COUNCILMAN MAFITANO: Yes.

17 THE CLERK: Councilman Cannella.

18 COUNCILMAN CANNELLA: Yes.

19 THE CLERK: Councilwoman Amelio.

20 COUNCILWOMAN AMELIO: Yes.

21 THE CLERK: Supervisor Belmont.

22 THE MAYOR: Yes.

23 THE MAYOR: Thank you.

24 (Whereupon the audience applaud.)

25 THE MAYOR: I would just like to say

1           thank you to Paul Valentine member of cable  
2           committee, Chris Cipolla who worked very  
3           diligently on this contract.

4           (Whereupon the audience applaud.)

5           THE MAYOR: Dr. Bernie Burnbaum has  
6           done a great deal to have this accomplished.

7           I thank those people and everyone  
8           else in the audience for your persistence to  
9           help get this done. Thank you.

10          (Whereupon the audience applaud.)

11          MR. CIPOLLA: I also want to  
12          recognize Paul Valentine for all of his hard  
13          work.

14          MR. KRAUT: I know council was still  
15          here with regard to the cable franchise  
16          agreement. If we could just, as set forth  
17          in the town board, put a record by  
18          incorporation and reference it to the  
19          village board which we had discussed  
20          earlier. And then at that point, I would  
21          ask the board to pass the same resolution in  
22          the village.

23          MR. MALFITANO: I will motion that we  
24          take the record established under the town  
25          board meeting and incorporate that into the

1 village board meeting.

2 MS. AMELIO: I'll second it.

3 MR. CANNELLA: I'll make a duplicate  
4 motion to warrant the franchise agreement  
5 and sign it and final comments with the  
6 review of the law department final agreement  
7 and authorize the Mayor to sign it.

8 MR. KRAUT: Role call on that,  
9 please.

10 THE CLERK: Trustee Sciliano.

11 TRUSTEE SCILIANO: Yes.

12 THE CLERK: Trustee Malfitano.

13 TRUSTEE MALFITANO: Yes.

14 THE CLERK: Trustee Canella.

15 TRUSTEE CANNELLA: Yes.

16 THE CLERK: Trustee Amelio?

17 TRUSTEE AMELIO: Yes.

18 THE CLERK: Mayor Belmont.

19 THE MAYOR: Yes.

20 (Time Noted 8:52 p.m.)  
21  
22  
23  
24  
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

- 1 Affidavit of publication with regard to  
public hearing.
- 2 Transmittal letter from Verizon dated  
June 5th, 2014 to the Town Clerk, Jacqueline  
Greer.
- 3 Notification from Verizon sent to David Ellin  
(Ph.) Executive Vice President and general  
counsel for Cablevision.
- 4 Requisite application for cable television  
franchise by Verizon.
- 5 Letter dated June 17, directed to Mayor Belmont  
and copied to all the town board members by Dan  
Ahouse.
- Proposal to change the terms of their existing  
franchise agreement with the town.
- Seven page document that has a sequence of  
comments that were submitted to the town in  
connection with this application

TOWN VILLAGE OF HARRISON EXHIBIT LIST  
(CONTINUED)

8 Transmittal letter June 19, 2014 a revised draft  
of the proposed Verizon agreement submitted to the  
Law Department under the signature of Pamela  
Goldstein on behalf of Verizon.

9 Proposed cable franchise agreement between the  
Town Village of Harrison and Verizon New York.

10 Confirmation email.



C E R T I F I C A T I O N

Certified to be a true and accurate  
transcript of the aforesaid proceeding.

  
-----  
HAILEY A. CONTE

June 19, 2014

V- - 2014 - - 138 - - B  
PUBLIC HEARING RE: A FRANCHISE AGREEMENT WITH  
VERIZON NEW YORK, INC. FOR CABLE SERVICES

On motion of Trustee Malfitano, seconded by Trustee Amelio,

it was

RESOLVED to approve the Verizon Franchise Agreement.

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

FURTHER RESOLVED that the public record of this hearing be moved in total from the Town Board to the Village Board.

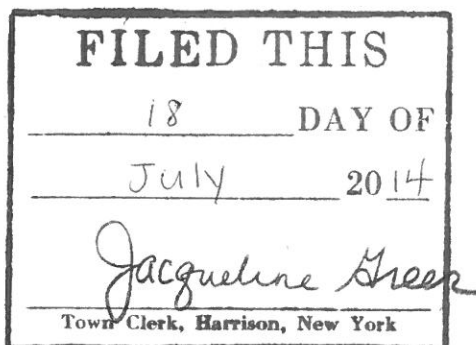
FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer and the Law Department.

Adopted by the following Roll Call Vote:

Mayor Belmont	yes
Trustee Amelio	yes
Trustee Cannella	yes
Trustee Malfitano	yes
Trustee Sciliano	yes

Copies to:

— Assessor  
— Benefits  
— Bldg  
✓ — Comput'r  
— Eng'g  
✓ — Inv  
— Police  
— P. Works  
— Public  
— Rep'r  
— Supv'r  
—



June 19, 2014

V - - 2014 - - 138 - - C

AWARDING A CABLE TELEVISION FRANCHISE TO VERIZON NEW YORK, INC. TO  
PROVIDE CABLE SERVICE TO THE TOWN/VILLAGE OF HARRISON  
AND APPROVING A CABLE FRANCHISE AGREEMENT WITH  
VERIZON NEW YORK, INC.

At a regular meeting of the Town/Village Board of the Town/Village of Harrison held at the Municipal Building, 1 Heineman Place, Harrison, New York 10528 at 7:30 PM the following resolution was adopted by the Supervisor/Mayor and the Town/Village Board.

WHEREAS, Verizon New York Inc. desires to use its' network to provide cable television service in the Town/Village of Harrison, and

WHEREAS, Verizon New York, Inc. submitted a written application for a cable television franchise to the Town/Village of Harrison on June 5, 2014, and

WHEREAS, due negotiations between the Town/Village of Harrison and Verizon New York, Inc. have resulted in a proposed "Cable Franchise Agreement" between the Town/Village of Harrison and Verizon New York, Inc., which proposed agreement was filed with the Town/Village of Harrison on June 5, 2014, and

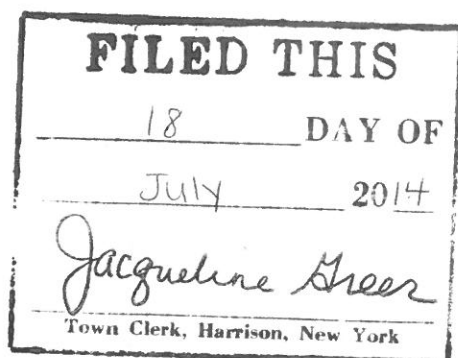
WHEREAS, on June 5, 2014, at a regular meeting of the Town/Village Board, the Town/Village Board scheduled a Public Hearing as required for June 19, 2014 at 7:30 PM to consider a Cable Franchise Agreement between the Town/Village of Harrison and Verizon New York, Inc,

WHEREAS, said Public Hearing was legally noticed as required by law, and

WHEREAS, on this night, June 19, 2014 at the Municipal Building, a Public Hearing was held on the proposed agreement.

NOW, THEREFORE, BE IT RESOLVED that the Town/Village Board authorizes the award of a non-exclusive franchise to Verizon New York, Inc. to own, construct, operate and maintain a cable system along the public rights-of-way within the Town/Village of Harrison in order to provide cable service, and be it

FURTHER RESOLVED that the Town/Village Board authorizes the Supervisor/Mayor to enter into the franchise agreement with Verizon New York, Inc. as attached and execute any and all documents necessary to effectuate the granting of the Franchise on behalf of the Town/Village of Harrison.



Copies to:

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

June 19, 2014

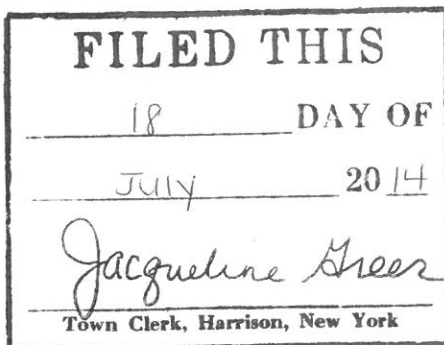
V - - 2014 - - 138 - - C (continued)

Motion to approve by: Trustee Cannella

Motion seconded by: Trustee Malfitano

Adopted by the following Roll Call Vote:

Mayor Belmont	yes
Trustee Amelio	yes
Trustee Cannella	yes
Trustee Malfitano	yes
Trustee Sciliano	yes



Copies to:

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

June 19, 2014

V - - 2014 - - 139

APPROVAL FOR THE VILLAGE OF HARRISON TO REGISTER WITH  
COOPERATIVE PURCHASING ORGANIZATION HGACBUY

On motion of Trustee Cannella, seconded by Trustee Amelio,

it was

RESOLVED to approve the request by Treasurer Maureen MacKenzie for the Village of Harrison to register with the cooperative purchasing organization HGACBuy at no cost to the Village.

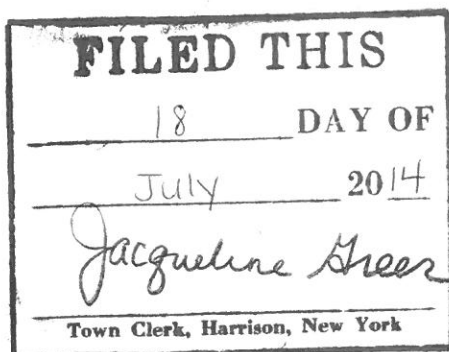
FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer and the Law Department.

Adopted by the following vote:

AYES: Trustees Amelio, Cannella, Malfitano and Sciliano  
Mayor Belmont

NAYS: None

ABSENT: None



Copies to:

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

June 19, 2014

V - - 2014 - - 140

APPROVAL OF PURCHASE ORDER #341836 FOR FOURTEEN (14)  
FIXED AUTOMATIC LICENSE PLATE READERS (ALPR)

On motion of Trustee Malfitano, seconded by Trustee Cannella,

it was

RESOLVED to approve Purchase Order #341836 issued to Major Police and Fire Supply, a distributor for 3M, 47 N. Dell Avenue, Kenil, New Jersey 07847 for fourteen (14) Fixed Automatic License Plate Readers (ALPR) at a total cost of \$192,548.50.

FURTHER RESOLVED that equipment is being purchased under Houston-Galveston Area Council (HGAC) Contract #EF04-13.

FURTHER RESOLVED that funding is available in the 2012 Police Surveillance System Capital Budget, Project #12PO25, Account #006-3120-100-9870.

FURTHER RESOLVED to forward a copy of this Resolution to the Treasurer, the Purchasing Department and the Chief of Police.

Adopted by the following vote:

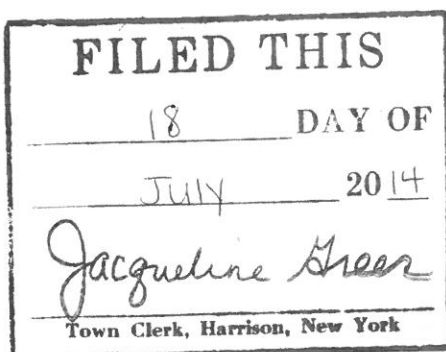
AYES: Trustees Amelio, Cannella, Malfitano and Sciliano  
Mayor Belmont

NAYS: None

ABSENT: None

Copies to:

\_\_\_ Assessor  
\_\_\_ Benefits  
\_\_\_ Bldg  
\_\_\_ Compt'r  
\_\_\_ Engrng  
\_\_\_ Law  
\_\_\_ Police  
\_\_\_ P. Wrks  
\_\_\_ Purch'g  
\_\_\_ Recr'tn  
\_\_\_ Supv's'r



June 19, 2014

V - - 2014 - - 141

APPROVAL OF A PILOT AGREEMENT WITH  
MEMORIAL HOSPITAL AND ALLIED DISEASES

On motion of Trustee Amelio, seconded by Trustee Malfitano,

it was

RESOLVED to approve the PILOT agreement with Memorial Hospital and Allied Diseases.

FURTHER RESOLVED this PILOT Agreement is subject to a final review by the Village Assessor and the Village Attorney's office.

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

Adopted by the following vote:

AYES: Trustees Amelio, Cannella and Malfitano  
Mayor Belmont

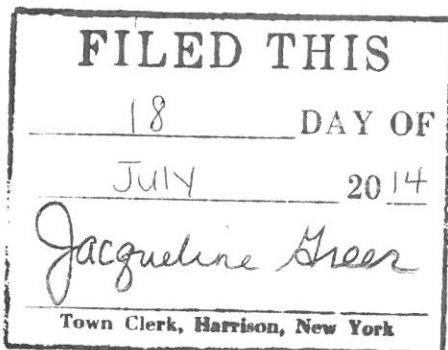
NAYS: None

ABSENT: None

RECUSED: Trustee Sciliano

Copies to:

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



June 19, 2014

V - - 2014 - - 142

APPROVAL TO ESTABLISH TWO (2) HOUR PARKING ON HOLLAND STREET FROM  
NELSON AVENUE TO ELLSWORTH AVENUE AND BATAVIA PLACE  
FROM CALVERT STREET TO WEBSTER AVENUE  
(BOTH SIDES OF THE STREET)

On motion of Trustee Malfitano, seconded by Trustee Amelio,

it was

RESOLVED to approve the request by Chief of Police Anthony Marraccini to establish two (2) hour parking from 9:00 AM – 6:00 PM except Saturday, Sunday and Holidays on Holland Street from Nelson Avenue to Ellsworth Avenue (both sides of the street) and Batavia Place from Calvert Street to Webster Avenue (both sides of the street).

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

Adopted by the following vote:

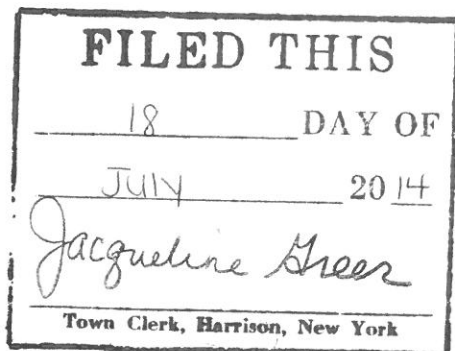
AYES: Trustees Amelio, Cannella, Malfitano and Sciliano  
Mayor Belmont

NAYS: None

ABSENT: None

Copies to:

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





June 19, 2014

V - - 2014 - - 143

APPROVAL TO MAKE THE INTERSECTION AT STERLING ROAD AND  
STRATFORD ROAD A THREE-WAY STOP

On motion of Trustee Amelio, seconded by Trustee Cannella,

it was

RESOLVED to approve the request by Chief of Police Anthony Marraccini to make the intersection at Sterling Road and Stratford Road a three-way stop, a stop sign will be installed in both the eastbound and westbound lanes of Sterling Road.

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

Adopted by the following vote:

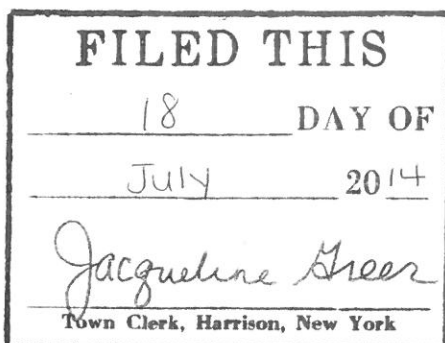
AYES: Trustees Amelio, Cannella, Malfitano and Sciliano  
Mayor Belmont

NAYS: None

ABSENT: None

Copies to:

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



June 19, 2014

V - - 2014 - - 144

AUTHORIZATION FOR THE PURCHASING DEPARTMENT TO ADVERTISE AND  
RECEIVE BIDS FOR THE 2014 RESURFACING PROJECT

On motion of Trustee Amelio, seconded by Trustee Sciliano,

it was

RESOLVED to approve the request by Village Engineer Michael Amodeo for authorization to advertise and receive bids for the 2014 Resurfacing Project.

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

Adopted by the following vote:

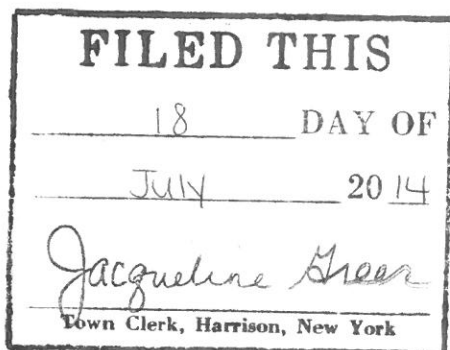
AYES: Trustees Amelio, Cannella, Malfitano and Sciliano  
Mayor Belmont

NAYS: None

ABSENT: None

Copies to:

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



June 19, 2014

V - - 2014 - - 145

APPROVAL FOR A BOND RESOLUTION IN THE AMOUNT OF \$70,000  
FOR ENGINEERING WORK CONNECTED WITH THE  
LINCOLN LANE DRAINAGE DISTRICT

It was

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Harrison, Westchester County, New York, as follows:

Section 1. Engineering expenses in connection with the design of drainage improvements in connection with the proposed Lincoln Lane Drainage District in and for the Village of Harrison, Westchester County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$70,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$70,000 bonds of said Village, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Village of Harrison, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such

Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village designated for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

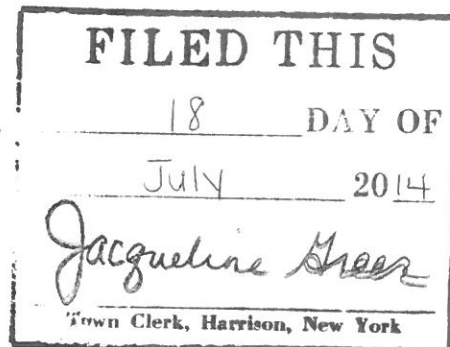
Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.=**

Adopted by the following Roll Call vote:

Trustee Amelio	VOTING	AYE
Trustee Cannella	VOTING	AYE
Trustee Malfitano	VOTING	AYE
Trustee Sciliano	VOTING	AYE
Mayor Belmont	VOTING	AYE

The Resolution was thereupon duly adopted.

\* \* \* \* \*



Copies to:

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

June 19, 2014

V - - 2014 - - 146

HARRISON RESIDENT EMIL TOSO ON PARKING ISSUES

Harrison resident Emil Toso said that on his block of Fremont Street there are 14 two family properties. Out of these 14 properties seven of them back up to commercial properties that line Halstead Avenue. One property is being used as a commercial four-store building. They use the parking lot in the rear, which is a residential lot, and they use it illegally. The other property is an empty lot that is presently applying for three stores with parking in the rear. At the last Zoning Board Meeting the Board finalized their decision to allow that residential lot to be used as parking for three stores. They illegally passed the use of a residential lot as an accessory to a business in the front. That is spot zoning which is illegal by the State of New York. This violates our zoning code in this town. There is a proposal before the Planning Board and the Zoning Board for a six-story apartment house, which once again is asking for parking on a residential lot on Fremont Street behind the business center. We are a "B" zone property; we are the lesser economic area of the town. There are laws where we could stop you in a minute but unfortunately we don't have the money to take this to court. I am asking you to establish some kind of a mechanism where I could recapture our losses. That mechanism would be, if you went to the Assessor and created a tax credit. Let the Assessor make an assessment based on the fact that we are going to have commercial mixed in with residential properties and we all know that is going to devalue the properties. Let him decide what the devaluation is.

Village Attorney Kraut said Mr. Toso made a good point as far as tax certioraris are concerned. Mr. Kraut went on to say that if there is an impact on value the resident does have a right to apply. Once a year, every year, real property owners in the town, if they feel that the market value of their property has gone down, have the opportunity to go and bring that claim to the Assessor. The first step is the Assessor reviews it. If he decides your property is worth less he can lower your value. If you disagree, there is then a process for the resident to follow themselves without need for council.

Harrison resident Emil Toso said that is a rationalization on your part. The fact of the matter is there are many people that are afraid to do things like that. I think the town went out of its way to help the business property owners invade our area, I think they should go out of their way to help the property owners recapture their losses.

Trustee Sciliano said I'm not sure Mr. Toso is aware of this but about a month ago we asked our Planning Consultant to send out an RFP to firms that would help us analyze it. We realize the encroachment that has been going on in your area and other areas and we reached out for some consulting advice on how to deal with this going forward.

June 19, 2014

V - - 2014 - - 146 (continued)

Trustee Malfitano said he had one comment. Anyone listening to this should understand that there hasn't been any change to zoning in the business district. Changes haven't even been proposed. Anyone wishing to improve their property or put a different building up has the right to do so under the existing zoning which has been in effect for at least two or more decades. There hasn't been any change and there isn't any proposed change.

Copies to:

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

**FILED THIS**

18 DAY OF

JULY 20 14

*Jacqueline Greer*

Town Clerk, Harrison, New York

June 19, 2014

V - - 2014 - - 147 - - A  
PROPOSED 2014 DPW CAPITAL BUDGET

Public Works Commissioner Anthony Robinson addressed the Board. He said that in April he submitted the original proposed DPW Capital Budget and was asked to make some cuts in consideration with the current economic conditions while still trying to maintain the needs of the department and to maintain the services and infrastructure. I have learned that there is some discussion that the Board needs to have on how to properly fund the budget. Given that, my main concern right now is maintaining the town's roads. In order for the Board to more fully discuss to budget in its entirety I would give them the opportunity to do so. I would ask to fund the \$750,000 request that I have for resurfacing roads now so that I can go ahead and start performing the much needed resurfacing after the harsh winter.

Trustee Sciliano commented. He believed that the sidewalk replacement and the tree program are just as important.

Public Works Commissioner Anthony Robinson said to add those two items are nominal costs considering the request that I am making. \$25,000 and \$50,000 respectively to add that to the \$750,000 would not be a great hardship.

Trustee Cannella said the total comes to \$825,000. He said I think everybody is aware, and the Board has been discussing, the DPW, Police and Library Capital Budget. Obviously there are different ways to think about all these things. I think everybody is totally aware that the streets really got beat up very badly this winter and something needs to be done. We are aware that it is time sensitive because of the asphalt season. I will make the motion to approve the \$750,000 for roads, the tree replanting would be \$25,000 and the sidewalks repairs would be \$50,000 for a total of \$825,000. As part of that, without knowing exactly what we are going to do, since we do need a funding source I would make a motion that the source be bonding and we will reexamine that and maybe that won't happen as we go down the road. I would like to make that motion.

Trustee Malfitano said I will second that motion. Just to tack onto Trustee Cannella's comment. I don't think that there is anyone on this Board who doesn't believe and understand that our roadways are in disrepair and have to be addressed. That is not an issue.

Public Works Commissioner Anthony Robinson said everyone on the Board and the Mayor has been supportive of the program. I understand that and this action just goes to reinforce that.

Trustee Malfitano said that this has to go forward now. We are all in favor of that.

June 19, 2014

V - - 2014 - - 147 - - A (continued)

Public Works Commissioner Anthony Robinson said at his request the Village Engineer requested to get the contract rolling and we would use existing funds that we have available to supplement what we are asking for now.

Trustee Cannella said he wanted everyone to know that this is going to be the biggest road resurfacing project we've had in quite some time. There is \$300,000 that was not expended. We also have set aside, based on the capping, another \$50,000 so if you add it all together we are talking about a large sum of money which is desperately needed given the conditions that we have.

Trustee Amelio said she realizes that Halstead Avenue is a County road but asked the Commissioner if he had heard any news from them.

Public Works Commissioner Anthony Robinson said last he heard they were going to propose a capital spending plan to their legislators for about 5 million dollars, which part of that money would be for resurfacing Halstead Avenue but have not heard any status update on it.

Trustee Cannella said he would motion the \$825,000 for the road, sidewalks and trees and Trustee Sciliano seconded it. Trustee Cannella said the second motion is to bond it for the time being and Trustee Malfitano seconded it.

Treasurer MacKenzie said for the next meeting I will bring up the bonding resolution.

Trustee Malfitano said I don't think we need to do that. We simply need to identify a funding source.

Trustee Cannella said we don't want any bonding resolution now; that may change.

Treasurer MacKenzie said during the Town Board Meeting she was surprised that the budget modification that was already on the agenda was approved. I don't think you realized that you were approving the funding for \$825,000 to come from fund balance in the highway. I would like you to rescind it.

Trustee Malfitano said we will rescind it when we come out of executive session and we reopen the Town Board meeting.



June 19, 2014

V - - 2014 - - 147 - - B  
APPROVAL OF \$825,000 FOR THE PURPOSE OF  
RESURFACING ROADS, REPAIRING SIDEWALKS AND TREE WORK

On motion of Trustee Cannella, seconded by Trustee Sciliano

it was

RESOLVED to approve the request by Commissioner of Public Works Anthony Robinson for \$825,000 for the purpose of resurfacing roads, repairing sidewalks and tree work.

FURTHER RESOLVED that the funding source at this time is bonding.

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

Adopted by the following vote:

AYES: Trustees Amelio, Cannella, Malfitano and Sciliano  
Mayor Belmont

NAYS: None

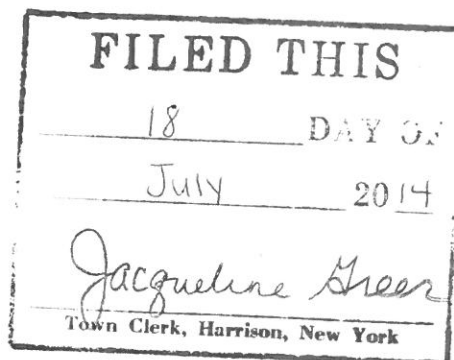
ABSENT: None

On motion duly made and seconded,  
with all members voting in favor,  
the meeting was recessed to Executive Session at 9:20 PM.

There being no further matters to come before the Board,  
the meeting was, on motion duly made and seconded,  
declared closed at 11:23 PM.

Respectfully submitted,

Jacqueline Greer  
Village Clerk



Copies to:

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