

December 15, 2011

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, NY, Westchester County, on Thursday, December 15, 2011, at 7:30 PM. Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Joan Walsh Mayor

Joseph Cannella)
Fred Sciliano) Trustees
Marlane Amelio)

MEMBER ABSENT:

Pat Vetere Trustee

ALSO ATTENDING:

Frank Allegretti Town Attorney
Maureen MacKenzie Treasurer
Jacqueline Ricciardi Court Clerk
Anthony Marraccini Chief of Police

December 15, 2011

V - - 2011 - - 109 - - a (corrected)

PUBLIC HEARING - CONTINUATION OF THE PUBLIC HEARING

RE: 2012 PRELIMINARY BUDGET

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

On motion of Trustee Cannella, seconded by Trustee Amelio, with all members voting in favor, it was RESOLVED to transfer the record from the Town Board meeting to the Village Board meeting.

* resolution number v-2011-149a was incorrect

December 15, 2011

2011 -- 109 -- b
ADOPTION OF THE 2012 FINAL BUDGET

On motion of Trustee Cannella, seconded by Trustee Sciliano,

it was

RESOLVED to adopt the 2012 Preliminary Budget, with changes as submitted at this Board meeting, as the Final Budget of the Village of Harrison for 2012.

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

Adopted by the following vote:

AYES: Trustees Amelio, Cannella and Sciliano

NAYS: Mayor Walsh

ABSENT: Trustee Vetere

* resolution number v-2011-149b was incorrect

December 15, 2011

V -- 2011 -- 110 (corrected)

APPROVAL FOR THE PURCHASING DEPARTMENT TO ISSUE A
PURCHASE ORDER TO CONKLIN SERVICES AND CONSTRUCTION, INC.,
RE: NO. 2 FUEL TANK LOCATED AT PASSIDOMO PARK

Notification by Commissioner of Public Works Anthony Robinson that a tank test was performed today, December 13, 2011, on a 550 gallon No. 2 fuel tank located at Passidomo Park adjacent to the old Park office/bathroom building as required under Westchester County Department of Health regulations. The test failed. As such, per regulations, the tank must be emptied of product within 24 hours. This service will be performed on an emergency basis on Wednesday, December 14, 2011 by Conklin Services & Construction, Inc., our Petroleum Bulk Storage (PBS) program Administrator. The existing tank shall then be replaced on an emergency basis with a 330 gallon above ground storage tank at a cost of \$9,105. There may be some ancillary costs associated with tank removal should there be contaminated soil.

On motion of Trustee Cannella, seconded by Trustee Amelio,

it was

RESOLVED to issue a Purchase Order to Conklin Services Construction, Inc., at a cost not to exceed \$9,105.

FURTHER RESOLVED that funding is available in Capital Account 11-PW07.

FURTHER RESOLVED that Commissioner of Public Works Anthony Robinson will notify the board if additional costs, above the approved amount be incurred as a result of the work.

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

Adopted by the following vote:

AYES: Trustees Amelio, Cannella and Sciliano
Mayor Walsh

NAYS: None

ABSENT: Trustee Vetere

* resolution number v-2011-150 was incorrect

December 15, 2011

V - - 2011 - - 111 (corrected)

DISCUSSION: CHAPTER 38-19 OF THE VEHICLES AND TRAFFIC SECTION
OF THE VILLAGE CODE OF HARRISON THAT WOULD PROHIBIT
THE PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL STREETS

Town Attorney Frank Allegretti stated that he had been working with Chief of Police Anthony Marraccini on redrafting and revising this part of the code. Today we came to a final consensus on what the chief would like the law to be for your consideration, which Mr. Allegretti circulated by email, which the board has the draft in front of them. He continued that there are some people here; so for the benefit for those concerned about this, we could read what the amendments are.

Mr. Allegretti stated that this would add a new definition to section of 38-2 of the code that defines commercial vehicle. He read the following:

A truck, bus, school bus, omnibus, taxi, livery or any other vehicle used for commercial purposes where such other vehicle bears interior or exterior identification or indication of commercial use. Examples of identification or indication of commercial use include but are not limited to commercial license plates or any sign or placard indicating the name, address, telephone number or nature of the commercial enterprise that is visible on either the front, rear, roof, bed, interior compartment or either side of the vehicle and/or any ladder, rope cable, plow, tool, machinery, equipment, container or other items utilized in the commercial enterprise and affixed to the front, rear, roof, bed, interior compartment or either side of the vehicle.

This would be the new definition of what a commercial vehicle is.

Section 38-19 (D) Street Parking; general:

No commercial vehicle shall be parked on any residential street or in any municipal lot in the Village of Harrison between the hours of 11:00 pm and 6:00 am.

Those would be the two requested divisions to section 38.

Along with that the Board has to set a fine and that is done by resolution.

Trustee Cannella asked that for example, the Mayors vehicle, which has the Town of Harrison insignia on it, will that be ticketed.

Mr. Allegretti answered: the police are not going to ticket a municipal vehicle. It is not a commercial vehicle that's being used for enterprise.

Trustee Amelio stated that she was confused by; not limited to.

Mr. Allegretti explained that that's part of any law you draft. You don't want to limit the world to ... you don't want to restrict it.

Trustee Cannella stated that if a vehicle had a plumbing sign on it then that would be considered a commercial vehicle and could not park on the street.

Town Attorney Frank Allegretti responded: Correct.

Robert Porto, resident, stated he didn't like that definition.

Mr. Allegretti stated that if the Board suggests something, they have to set a fine schedule.

Trustee Amelio stated that there is also recourse for someone who may inadvertently receive a summons. Correct.

Police Chief Anthony Marraccini answered: Absolutely. The real issues that face the town when it comes to these vehicles, for instance: people with their pick-up trucks, jeeps, whatever they might be, are taking these vehicles; they're parking multiple vehicles of just that style, outside of homes. We (the police) have an issue right now in the Brentwood. Three flooring vans are parking there and leaving their garbage on the side of the road after they leave. They pick up their vans in the morning, every morning. People are parking commercial vehicles in residential zones. It's unsightly; it takes up a lot of unnecessary parking. We're getting yellow cabs parking in the Brentwood, we're getting commercial vehicles, and people with tow trucks are parking in West Harrison and downtown. This law is trying to combat that. If you have a mini van and using it for painting and that's an obvious thing, absolutely, park it in your driveway.

Mayor Walsh asked: Don't we have an ordinance that says you cannot park commercial vehicles in the driveway?

Chief Marraccini replied: He believes there is a building zone ordinance that says that but they are able to park it in garages. The other item is that if you have that Jeep or Minivan that can legitimately park in the driveway if it doesn't have commercial registration as outlined by New York State.

Mrs. Walsh: You can park there even if it has a sign on the side but doesn't have commercial plates.

Mr. Marraccini: He doesn't believe that if it has a sign on the side that may throw a wrench in the gears with that. If there's an unmarked vehicle that obviously has painting, or plumbing supplies or carpentry supplied in it. If a person is operating that vehicle and parking it in a residential zone, it's a commercial vehicle. It's a commercial use vehicle.

Mrs. Walsh: if there's no indication like paint or otherwise on the side of the vehicle, but it has commercial plates, then it's commercial.

Mr. Marraccini: As defined by State law.

Mayor Walsh: Anybody who has signs on their vehicle must have commercial plates.

Chief Marraccini: He believes that is correct.

Mrs. Walsh asked: Where do they park? Or is that not our problem.

Jimmi Pritchard, resident, if the intent of this is to clean up the neighborhoods and not have unsightly vehicles on the street or not have anything but a private vehicle on the street she doesn't see how we can allow the town trucks to be parked in front of peoples houses, not inside a driveway. First of all, she doesn't think town trucks should go home with people. But you see them all over town too. On the residential streets. She doesn't know how you can make a distinction to say it's not a commercial vehicle. It is certainly used, not for private purposes; it's used for the town business, the operations of the town, just like those trucks that are owned privately by the companies are used for their private business. She doesn't think it's fair to make that decision. Its discrimination, it says that if you work for the town you can do anything but if you come into this town and have a vehicle that's related to your business, look out because you're going to get tickets if you have no place to park. She believes this should be revisited, it's not right.

John Katsogridakis, resident, stated that if you go out after the meeting, across from here (the municipal building) is a dry cleaning car with signs for dry cleaning; he has a business in Larchmont.

Mrs. Walsh asked if he lives on that street.

Mr. Katsogridakis: Yes, he owns that house. But the car is parked on the street. Plumbers and dry cleaners business are parking on the street in the Town of Harrison and Mr. Katsogridakis doesn't think that's right.

Mayor Walsh: This law would prevent that.

Mr. Katsogridakis: He doesn't know why anyone's against that.

Mrs. Walsh: It's not against that. Ms. Pritchard is against the fact that there is an exception made for town vehicles, which are trucks and vans and so forth.

Mr. Katsogridakis: They say only commercial on the plates, they don't say anything else.

Ms. Pritchard: No, they say Town of Harrison. The Town vehicles all have a logo on it.

Mrs. Walsh: What's being said is that the town vehicles all have a logo on it. The town vehicles must have a logo on the side with two exceptions; the Chief of Police car and the Mayor's car. All other town vehicles must have the logo on the side.

Mr. Katsogridakis: How do they allow a town worker that's using that truck to go to his house and park on the street? That's illegal too.

Mayor Walsh: That's what Ms. Pritchard was saying. That was the objection. This law would not apply to town vehicles.

Mr. Katsogridakis: Why does the town allow someone to

Mr. Porto stated that town private thing totally begs the question. That is the most obtuse law he has ever heard. It covers just about anything. That is a disgrace. If you read that again, it's basically gentrification. He can see people not wanting trucks or big vans, totally commercial vehicles, but that law, read that again, that covers everything. If you walk by his car and you see a couple of paintbrushes, he could get a \$75 ticket or to be announced limit. Some people in the Brentwood don't have driveways; they're just trying to make a living.

Trustee Amelio stated that people can't park in front of their homes because they're being taken up by commercial vehicles. This is the problem, we can't

Mr. Porto: If you don't have enough money to buy a commercial vehicle, so you use your car and you don't want to, then you.... He said that he's a computer guy and his backseat is full of equipment, is that a commercial vehicle. This is a law, it gives ultimate power forever. This is a disgrace. I'm going to post that on the Website and you read that and see where you're coming from.

Chief Marraccini stated that Mr. Porto uses very strong words to describe a law that's to help the residents of this town and improve the community. Also, those types of words have to be a disgrace to the entire system. He can't imagine that we're trying to do something to better this community and there's that type of

Mayor Walsh: Let me pick up on his point. He (mr. porto) says he has a lot of computer equipment in the back, does that make it a commercial vehicle?

Chief Marraccini: No, the law is not meant for that. It's not the spirit of the law and he doesn't believe it does say that.

Mayor Walsh: You did say that it was obviously a commercial vehicle

Chief Marraccini: If there's a couple of paint brushes on the back seat or some computer equipment in the back seat substantiates a commercial vehicle. This is the way he interrupts it and the attorney interrupts it, this is the way the law would be administered.

Trustee Cannella stated that he believes the language needs to be tinkered with. If a man sells insurance and he has a company car and that car has an insignia on it, he's in violation of this law. The language needs to be dealt with. He believes that Mr. Porto is right. He understands the theory and he doesn't disagree but the language plays very broad and he believes it needs to be brought together and narrowed. The way it applies, we think of commercial as commercial, but commercial can be defined as anything.

Trustee Sciliano stated that on the town emails they do get complaints and he believes it has to be addressed.

Chief Marraccini stated that maybe in executive session the board can think of some language that can be put together and approved. He continued; that this has been going on for sometime now. The other also, like a four door passenger car, any type of vehicle that has any type of insignia on it should be registered as a commercial vehicle.

Mayor Walsh stated she had a question about the second part of it. It says that no commercial vehicle should be parked in any municipal lot, and yet we have spent hours this year crafting language which would allow in the Park Avenue lot commercial vehicles be permitted to park there.

Chief Marraccini: They're permitted and would not apply to this law. He has spoken with the Town Attorney and they thought about all these concerns and thought that they had them addressed very well. They thought we had the spirit of the law down very well,

Mayor Walsh: It has to be very precise.

Chief Marraccini: It does have to be very precise. A vehicle that is permitted is permitted.

Town Attorney Frank Allegretti stated that the permitting is just a policy set by the board. It's not part of Vehicle and Traffic law, so it's not, he couldn't make reference to a policy. Obviously if the board has issued permits to those that own commercial vehicles our police department is not going to issue summonses to them. He continued saying that he couldn't make a cross reference because it's not in the Vehicle and Traffic law.

Mayor Walsh: You're saying it can't be included in this.

Mr. Allegretti: Right.

Chief Marraccini: It's not that we want to come back to the board in six months and try to amend something and make it broader. The spirit of the law he thinks is clear; it's to assist this community. There are many communities like White Plains allows no overnight parking of any vehicles during certain times of the year. The City of Rye is the same way, no overnight parking of any vehicles on any public roadways. He thinks it's something to assist the community in bringing back the character.

Greg, resident of Purdy Street, and he came here tonight to address the parking issue. He has lots of neighbors that are working class people who use private trucks to double for law maintenance, etc. It seems like on Purdy Street there is no parking, we don't have driveways. We're apartment renters. This law deliberately goes to fight people who live in apartments; we have to work for a living.

Mayor Walsh asked if these people have insignia on the side of their car.

Greg answered: No. They're just individuals who happen to use a pick up truck to haul whatever they need.

Mayor Walsh: So on the pick up truck there would be a lawnmower in the back?

Gregg: No, not a lawnmower. Maybe a shovel, bag of concrete, something to that effect.

Mayor Walsh: Is there a name on the side and does it have commercial license plates.

Gregg: No name on the side. To the best of his knowledge, it does not have a name on the side or have commercial plates.

Mayor Walsh: then it wouldn't affect them. Correct chief.

Attorney Allegretti relied: No, that's not correct.

Gregg: According to the chief's definition any officer can peer into any vehicle and determine that the contents of the vehicle ergo makes the vehicle a commercial vehicle.

Trustee Cannella stated that the concept of this is to have those vehicles, it's a question, the concept is sound. When does it become a physical nuisance and so unattractive it shouldn't be tolerated.

Trustee Amelio stated that it's not only the physical nuisance of it, from a visible point of view but a lack of parking that's available to people and is a serious issue.

Mayor Walsh: Purdy Street doesn't have sufficient parking for the apartments that are there.

Chief Marraccini: As we've talked about many times, resident permit parking may take care of what this gentleman is speaking about. Resident permit parking, he's not saying give the permit to a box truck, truck or commercial vans, what he is saying that resident parking permits could alleviate this fellows issue, not only for evening parking but for daytime parking.

Mayor Walsh: How close are we to issuing those permits?

Chief Marraccini: In downtown Harrison, he believes they're pretty close to getting permits; they're working on language with the law department to enact the local law.

Mayor Walsh: A month.

Attorney Allegretti: Attorney Paladino was working on this and Mr. Allegretti doesn't know where Mr. Paladino left off on it.

Mr. Katsogridakis stated that he went to the Mayors office some time ago, I say at least 97 houses in the Town of Harrison that are one family, which became a two family, became a three family. You (the mayor) told me to give you the names and addresses. I'm not in business to give you the names. But, if you go to the school those illegal houses, illegal apartments, are sending children to the school and we pay for the school taxes.

Mayor Walsh stated that the town has no authority to tell the school how to determine whether or not a child is a legal resident of the town. We have no authority for that.

Mr. Katsogridakis: The town can find out if the one family turns into a two family house.

Mayor Walsh: What I told you then, I'm telling you again, if you know of a house that has an illegal apartment all you have to do is give us the address and we'll give it to the Building Department. We do not the personnel staff to go and inspect everybody's house. We don't have the right to go and inspect everybody's house. But if you see it and you know it, you should tell us.

Mr. Katsogridakis: What do you mean that you don't have the rights?

Mayor Walsh: We (the town) doesn't have the right to go into someone's house to prove if it's legal or not. We don't have the staff to sit outside to watch people going in and out of peoples homes to determine whether or not they have an illegal apartment. We (the town) rely on people telling us and then it gets investigated.

Mrs. Held stated that she tried under the Freedom of Information and was told that no schools can give any information about children in schools.

Trustee Cannella suggested putting this item of commercial parking off to the next meeting.

Trustee Sciliano suggested finding out what Mr. Paladino has done about the parking.

Trustee Amelio stated that it was time to move forward on this. It's been discussed for a long time.

Trustee Sciliano stated that since Main Street in West Harrison was repaired a lot of White Plains people having been parking their commercial vehicles here.

On motion duly made and seconded, with all members voting in favor, the Meeting was recessed for Executive Session at 9:00 PM.

* resolution number v-2011-151 was incorrect

December 15, 2011

V - - 2011 - - 112

STATEMENT BY MAYOR JOAN B. WALSH

As Mayor, I have been given advice by a wide variety of people. I have listened to all of it, analyzed it by the reality of what government can and can't do, particularly with the constraints of Civil Service rules and regulations and by union contracts, and then applied the best of it when making decisions.

I want to thank those people, particularly the leader of the "7 AM train crew" who sends me several emails a week and has given me a wider understanding of finance, and the economist who takes a macro view of town government and urges that we reduce our services to only the ones that are necessary for health and safety, as well as the people who looked at a particular town function and then made recommendations as to how to improve it both in services and in cost savings.

I also want to thank the many, many people who have come into my office, or stopped me on the street, or sent me emails sharing their concerns, offering advice, telling me of their support. I truly, truly appreciate all of you. After 27 years of working for the town as an employee, and perhaps 15 more years as an activist, I go into retirement with a smile. For me, it is good.

Do I worry about what will happen to the town now? Of course. However, it is no longer my responsibility. Residents have chosen a new Mayor. Ron Belmont and his Board face tough decisions. Spending will have to be reduced even further, to a sustainable level – something that is never easy, otherwise debt and taxes will grow and people and businesses will leave.

I wish Ron Belmont the best of times; that he gets the best advice, and makes wise decisions. I hope and pray that Harrison will prosper in the coming years.

Thank you for the opportunity to serve. It has been my great honor and privilege.

* resolution number v-2011-152 was incorrect

There being no further matters to come before the Board, the Meeting was, on motion duly made and seconded, declared closed at 10:05 PM.

Respectfully submitted,

Angela J. Tamucci
Deputy Village Clerk