

January 5, 2012

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, January 5, 2011, 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

Fred Castiglia ..... Deputy Town Attorney

Jonathan Kraut ... Deputy Village Attorney

Maureen MacKenzie ..... Treasurer

Jacqueline Ricciardi ..... Court Clerk

Anthony Marraccini ..... Chief of Police

Robert FitzSimmons..... Building Inspector/Acting Fire Marshall

Mark Heinbockel..... Assessor

Debra Scocchera..... Personnel Manager

I hereby certify that this is a true and  
correct copy of same on file in our office.

*Jacqueline Sheer*  
Town Clerk, Harrison, New York

January 5, 2012

V - - 2012 - - 001

APPROVAL OF THE FIRST OF THE YEAR RESOLUTIONS  
AS ADOPTED BY THE TOWN BOARD

On motion of Trustee Cannella, seconded by Trustee Amelio,

it was

RESOLVED to approve the First of the Year Resolutions as adopted by the Town Board during the meeting of this date.

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

Adopted by the following vote:

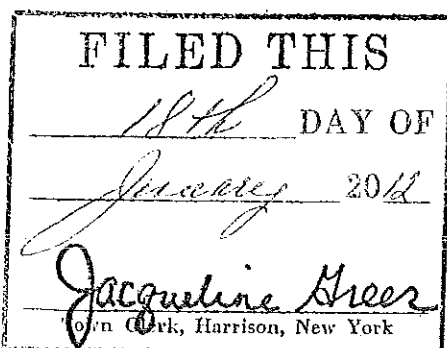
AYES: Trustees Amelio, Cannella, Malfitano and Sciliano  
Mayor Belmont

NAYS: None

ABSENT: None

Copies to:

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



January 5, 2012

V - - 2012 - - 002 (corrected)

RE-APPOINTMENT OF JONATHAN KRAUT AS DEPUTY VILLAGE ATTORNEY

On motion of Trustee Cannella, seconded by Trustee Amelio,

it was

RESOLVED to re-appoint Jonathan Kraut as Deputy Village Attorney effective January 1, 2012, with an annual salary of \$42,551 (\$37,551 + \$5,000 stipend).

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

I hereby certify that this is a true and  
correct copy of same as the same office.

*Jacqueline Shaver*

Town Clerk, Town of New York

January 5, 2012

V - -2012 - - 003

APPOINTMENT OF CHRISTOPHER CIPOLLA  
TO THE POSITION OF DEPUTY VILLAGE ATTORNEY

On motion of Trustee Cannella, seconded by Trustee Amelio,

it was

RESOLVED to appoint Christopher Cipolla to the position of Deputy Village Attorney, effective January 1, 2012 at an annual salary of \$60,000.

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

Adopted by the following vote:

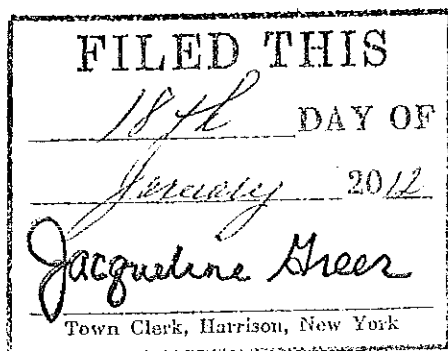
AYES: Trustees Amelio, Cannella, Malfitano and Sciliano  
Mayor Belmont

NAYS: None

ABSENT: None

Copies to:

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



January 5, 2012

V - - 2012 - - 004

RE-APPOINTMENT OF ANGELO DELBORGO, JR. AS  
GENERAL FOREMAN IN THE SANITATION DIVISION  
OF THE DEPARTMENT OF PUBLIC WORKS

On motion of Trustee Cannella, seconded by Trustee Amelio,

it was

RESOLVED to re-appoint Angelo DelBorgo, Jr., effective January 1, 2012, with an annual salary of \$99,977.

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

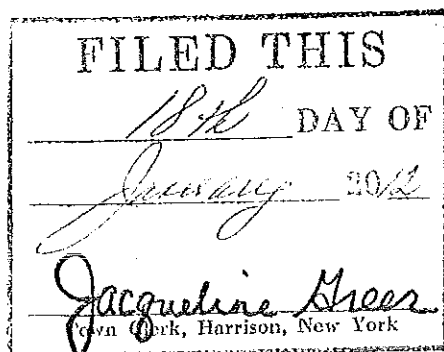
Adopted by the following vote:

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

NAYS: None

ABSENT: None

END OF THE FIRST OF THE YEAR RESOLUTIONS



Copies to:

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

January 5, 2012

V - - 2012 - - 005

APPROVAL FOR BUDGET TRANSFERS AND MODIFICATIONS

On motion of Trustee Cannella, seconded by Trustee Sciliano,

it was

RESOLVED to approve the request by Treasurer Maureen MacKenzie for authorization for the following Budget Transfers and Modifications:

**Increase:**

001-9501-100-0905	94,000
Town-Transfer to Village Fund	

**Decrease:**

001-1420-100-4431	21,000
Law-Special Items Legal/Other/Genliab/Self Ins	

001-1355-100-0407	5,000
Assessor-Special Services	

001-1420-100-4442	20,000
Law-Special Items Prof Fees-Legal Others	

001-1410-100-0130	6,000
Town Clerk-Part Time Salaries	

001-1420-100-4430	42,000
Law-Gen'l Liab Self Insurance	

<b>Total</b>	<b>94,000</b>
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**Increase:**

005-1900-100-4461

**94,000**

Village-Special Items-Judgments and Claims

**Increase:**

005-0000-050-5001

**94,000**

Village-Transfer In- Town

**To cover large  
certiorari's**

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

Adopted by the following vote:

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

NAYS: None

ABSENT: None

Copies to:

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☒ Purch'g  
☒ Recr'tn  
☒ Supvs'r

FILED THIS

18<sup>th</sup> DAY OF

January 2011

*Jacqueline Greer*

Town Clerk, Harrison, New York

January 5, 2012

V - - 2012 - - 006 - - a

DISCUSSION RE: AN AMENDMENT TO CHAPTER 38 OF THE VEHICLES AND  
TRAFFIC SECTION FO THE VILLAGE CODE OF HARRISON THAT PROHIBIT  
PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL STREETS

Trustee Amelio would like to see the amendment move forward.

Robert Porto, a resident spoke. He is against the amendment and asked if it is legal to say what looks like a commercial vehicle by just looking inside.

Village Attorney Jonathan Kraut stated that whether or not you can prohibit commercial vehicles from parking on public streets is certainly something that is legal to regulate.

John Katsogridakis, a resident spoke in favor of the Amendment. Many people who live in Harrison but have businesses elsewhere are parking on our streets. They have signs. They are commercial.

Trustee Cannella was concerned about the breadth of the language. We need to put in a timeframe for informational purposes in order to give people time to comply. Specifically, if there are people who need time to find alternate locations to put their commercial vehicles. I have no specific timeframe in mind. I think one way to do this would be "X" number of days would be clear. Then there would be a warning period of "X" number of days. Then after that it would be full effectiveness. He recommended this be publicized. He suggested it would be to fair to defer it between 35 to 60 days with warnings being issued for about a 20 day period or whatever anybody thinks the timeframe should be.

Village Attorney Jonathan Kraut stated one thing the Board might consider is to have a fine that is graduated over a certain period of time so that initially the fine might be quite low and then after a period of enactment, after a given date, it would step up to become whatever the ultimate fine would be decided upon.

Lucille Held, a resident stated that the new Amendment made identifying a commercial vehicle is confusing.

Village Attorney Jonathan Kraut said that the defined term of a commercial vehicle is rather lengthy but does describe the specifics in identifying all of which will give a person of reasonable sensibilities or sensitivities the ability to determine if that vehicle is commercial.

Lucille Held, a resident asked will it be under the discretion of the police to determine if it is commercial.

Village Attorney Jonathan Kraut replied it is important to remember that we always have law enforcement or code enforcement officers in the field making determinations as to whether or not they believe the law is violated. Ultimately the town bears the entire burden of proof beyond a

reasonable doubt. I just don't see realistically that this issue of contention of is it, or is it not commercial will be difficult for someone of reasonable sensibilities to determine.

Lucille Held, a Harrison resident stated she thinks that Mr. Kraut is giving her an answer that is not very practical.

Mayor Belmont stated that the board is trying to improve the quality of life in the Town of Harrison for every resident. Perhaps you (Speaking to Ms. Held) and others do not have that problem, but many of our citizens do. They have the problem of commercial vehicles with ladders and pipes hanging off their trucks parked in front of their houses, especially through the Christmas and New Year's weekend. That is something we can't afford to let continue in the Town-Village of Harrison.

Chief Marraccini stated that he couldn't have said it any better. That is the true intent of this law. Any police officers and code enforcement officers are using their judgment every single day to protect the citizens of this town and enforce the laws of this town and the state. The spirit of this is to enhance the character of this community.

Duncan McArthur, a Harrison resident spoke against the wording of the amendment. He stated he supports getting commercial vehicles parked somewhere but he has a real problem with the wording of this law. The state has a good explanation or standard of what is a commercial vehicle. One of them is commercial plates. It also has a law that if a car or vehicle has wording on it, that it also has to have commercial plates. In terms of spirit of the law, if it has commercial plates then fine, make a law, if it is a car that has writing on the side, make that commercial. You are supposed to service the people of Harrison. I don't think you are serving them trying to push them around. These are the trade's people that make Harrison great. If you are going to do something and push them off of the road, how about finding them a place to go to.

Chief Marraccini stated people try to bypass these laws by not having commercial plates. We are not the final judge. There is a remediation for anyone that feels that they were ticketed unfairly. I do believe that the judgment of these officers and some of the familiarities that they have with the neighborhoods and residents, that this law will be enforced accurately.

Robert Porto, a Harrison resident stated if I were the board I would reword it or at least read it again before you pass it.

Trustee Amelio said there were residents of Harrison who came to us that asked us to do something about this situation.

Trustee Sciliano stated that he thinks everyone just needs to use some common sense. He believed the people who are abusing the parking regulations know they are doing it. As for the average trade person, we don't want to hurt them. He doesn't feel they will be affected. He feels that those who know that they are breaking the law and getting away with it will move their vehicles otherwise they will be ticketed. He thinks the police will use common sense and the residents will too. Mr. Sciliano does believe there should be a 30 or 40 day grace period before the law takes effect.

Mayor Belmont asked if there is way we could notify all commercial vehicle owners in the Town of Harrison.

Trustee Cannella said you would have to do that through New York State. He suggested an effective date of February 15, 2012.

Mayor Belmont Suggested March 1, 2012 and all Board members agreed.

Christine Hughes, a Harrison resident asked whether these commercial vehicles could be moved into a driveway.

Chief Marraccini said the answer is no. There is no parking of commercial vehicles in a driveway. You can only have one vehicle and it must be maintained in a garage in a residential district.

The police department has the authority to look at vehicles that might not be properly registered as commercial vehicles and issue summons and that takes us to a whole new level. It is much more inconvenient to our residents and these workers that are really trying to make a living if I have to go and issue them a NYS Vehicle and Traffic Law summons for improper registration, take their license plates and impound their vehicle. We are trying to resolve an issue that's specific to our neighborhoods in the town.

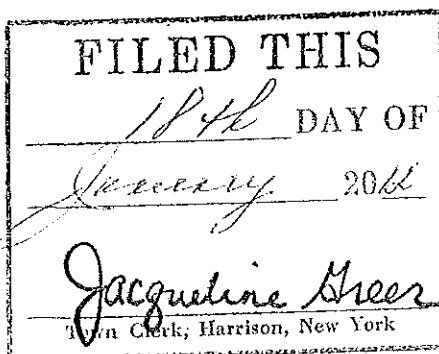
Trustee Malfitano said he was thinking more then a \$50 fine.

Jackie Ricciardi, the Harrison Court Clerk stated that the fines are \$250 for parking a commercial vehicle in a residential driveway, suggesting the fine for parking a commercial vehicle on the street should be comparable.

Trustee Malfitano suggests fines should be \$100 and all Board members agreed.

Copies to:

- ☒ Assessor
- ☒ Benefits
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January 5, 2012

V - - 2012 - - 006 - - b

APPROVAL FOR AN AMENDMENT TO PARKING REGULATIONS  
SECTION 38-2; SECTION 38-19(D)

On motion of Trustee Malfitano, seconded by Trustee Amelio,

it was

RESOLVED to approve the request by Town Attorney Frank Allegretti for an amendment to the following parking regulation in the Village Ordinances:

§ 38-2 Definitions

Commercial Vehicle

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.

§ 38-19(D) Street Parking; general

D. 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 p.m. and 6:00 a.m.

FURTHER RESOLVED that the Schedule of Fine for a violation of § 39-19(D) shall be \$100.

FURTHER RESOLVED that the effective date of § 38-19(D) is March 1, 2012.

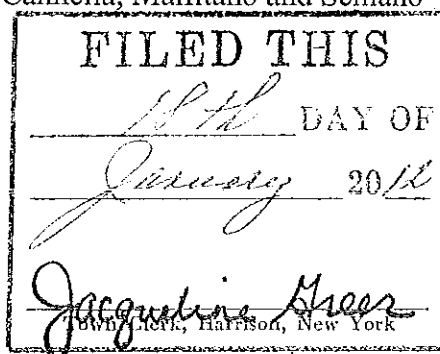
FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, the Court Clerk, the Treasurer and the Chief of Police.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



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☒ Purch'g  
☒ Recr'tn  
☒ Supvs'l

January 5, 2012

V -- 2012 -- 007

MATTERS FOR EXECUTIVE SESSION:

Personnel 1

On motion duly made and seconded,  
with all members voting in favor,  
the Meeting was recessed to Executive Session at 8:15 PM.

There being no further matters to come before the Board,  
the Meeting was, on motion duly made and seconded,  
declared closed at 9:35 PM.

Respectfully Submitted,

Jacqueline Greer  
Village Clerk

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☒ Bldg  
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☒ Engrng  
☒ Law  
☒ Police  
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☒ Purch'g  
☒ Recr'tn  
☒ Supvs'r

