

February 21, 2007

A regular meeting of the Town Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on the 21st day of February at 7:30 PM, Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Joan B. Walsh Supervisor

Joseph Cannella)
Patrick Vetere) Councilmen
Thomas Scappaticci)
Fred Sciliano)

ALSO ATTENDING:

Frank Allegretti Town Attorney
David Hall Chief of Police
Maureen MacKenzie Comptroller
Judy D'Agostinis Director of Purchasing
Robert Wasp Commissioner of Public Works
James Calandruccio Assessor
Robert FitzSimmons Building Inspector
Arun Ankola IT Director

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- Recr'tn
- Supvs'r

FILED THIS
5th DAY OF
March 20*08*
Joseph Cannella
 TOWN CLERK, HARRISON, NEW YORK

The following request was taken out of order.

February 21, 2008

2008 - - 108

APPROVAL TO FORWARD THE CLUSTER SUBDIVISION, BLOCK 310, LOT 7,
TO THE PLANNING BOARD FOR REVIEW

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by attorney Janet Giris, on behalf of her client JCC Construction Company for authorization to forward the Cluster Subdivision in lieu of a conventional subdivision at 530 West St, Block 310, Lot 7, to the Planning Board for their review.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys, and the Chair of the Planning Board.

Adopted by the following vote:

AYES: Councilmen Vetere, Cannella, Sciliano and Scappaticci
Supervisor Walsh

NAYS: None

ABSENT: None

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Sunvs'r

Pl. & S. Planning Board

FILED THIS
<i>5th</i> DAY OF
<i>March</i> 2008
<i>Joseph A. Scappaticci</i>
Town Clerk

February 21, 2007

2008 - - 109

ACCEPTANCE OF CORRESPONDENCE AND REPORTS

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to accept the following correspondence and reports:

- 1a. Monthly report from the Harrison Recreation Department for January 2008.
 - 1b. Monthly report from the New Rochelle Humane Society for November 2007.
 - 1c. Monthly report from the Building Inspector for January 2008.
 - 1d. Monthly report from the Receiver of Taxes for January 2008.
2. Notification by Paul Feiner, Supervisor for the Town of Greenburg, urging the residents of the Town of Harrison to write to their State lawmakers in support of the use of speed cameras in Westchester County.

Adopted by the following vote:

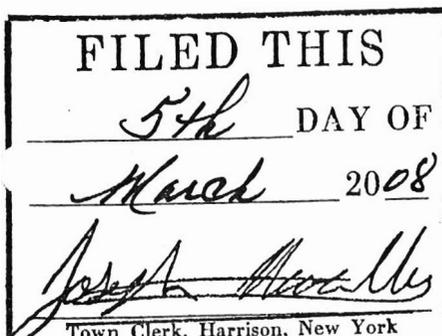
AYES: Councilmen Cannella, Vetere, Sciliano and Scappaticci
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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In The Matter Of:

TOWN BOARD MEETING of the TOWN OF HARRISON

HEARING

February 21, 2008

MERRILL LEGAL SOLUTIONS

25 West 45th Street - Suite 900

New York, NY 10036

PH: 212-557-7400 / FAX: 212-692-9171

HEARING - Vol. 1

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TOWN-VLG. OF HARRISON, NY
2008 APR - 2 A 9:46

-----x
TOWN BOARD MEETING
of the
TOWN OF HARRISON
PUBLIC MEETING

Re: The purpose of determining the amount and extent of the real property known as Block 611, Lot 74 and more commonly known as 7 Meadow Lane, Purchase, New York. The condemnation and easement necessary for storm water and drainage infrastructure improvements in the vicinity of Meadow Lane.

Held on
February 21, 2008
at
One Heineman Place
Harrison, New York

-----x
PRESENT:

MAYOR JOAN WALSH, Chairperson
FRED SCILIANO, Councilman-Trustee
JOE CANNELLA, Councilman-Trustee
TOM SCAPPATICCI, Councilman-Trustee
PATRICK A. VETERE, Councilman

ALSO PRESENT:

JOSEPH M. ACOCELLA, Clerk
FRANK ALLEGRETTI, Town Attorney

MERRILL LEGAL SOLUTIONS
25 West 45 Street
New York, New York 10036
(212) 557-7400

Page 6	Page 8
<p>19:40:17 1 the drain which then it goes to Star Farm, goes 19:40:22 2 into a retention basin and then it goes into a 19:40:26 3 pipe system, and at the last meeting one of the 19:40:28 4 residents raised some questions about where that 19:40:30 5 drainage goes. 19:40:31 6 So what we did, the engineering 19:40:35 7 crew went out, they did some dye testing, we 19:40:38 8 made some observations of the retention basin 19:40:41 9 and the piping and we confirmed where the water 19:40:44 10 flows currently and we've mapped that out. I 19:40:47 11 mentioned we did some dye testing and there were 19:40:50 12 pipes that crossed Purchase Street, and there 19:40:53 13 were also some pipes on private property from 19:40:55 14 the property south of Star Farm Road that go out 19:40:58 15 to Purchase Street further down 19:41:04 16 One of the other things that we did 19:41:11 17 during the storm last Thursday on the 13th, we 19:41:22 18 had that two inch rainfall if you remember, and 19:41:25 19 it was one of those rainfalls that appeared to 19:41:28 20 give more of an effect than some of the other 19:41:30 21 two inch rainfalls. We had frozen ground, we 19:41:34 22 had snow on the ground, so we had two inches of 19:41:37 23 rain during that day. I went out and made some 19:41:39 24 observations myself during the storm. 19:41:41 25 One of the important things that I</p>	<p>19:43:04 1 how much water stores there during a storm, so 19:43:07 2 we made some calculations on that. We looked at 19:43:09 3 the retention pond on Star Farm Road and said 19:43:12 4 well, how much capacity is in there now and how 19:43:15 5 much more could we add if we had to. 19:43:18 6 We reached the engineering 19:43:19 7 conclusion that it works. There's capacity in 19:43:22 8 that retention basin and if there's more 19:43:25 9 capacity needed it's easily done because the 19:43:27 10 grade of the retention basin is such that it's 19:43:30 11 not being maximized right now. 19:43:32 12 That's our retention basin, it's in 19:43:36 13 an easement and we have control of it. We have 19:43:39 14 all the right engineering components to do this 19:43:41 15 the right way, and it's our recommendation is to 19:43:43 16 move forward with the alternative to go through 19:43:47 17 the Garfield property, the shortest distance 19:43:51 18 which is right through the pond. 19:43:54 19 MR. ALLEGRETTI: Commissioner, if 19:43:56 20 you can just briefly tell the Board. With 19:43:58 21 respect to any additional water flow that would 19:43:59 22 make its way to the retention pond on Star Farm, 19:44:04 23 did you come to a conclusion whether any 19:44:06 24 additional work would need to be done in and 19:44:08 25 around that pond area, if any?</p>
Page 7	Page 9
<p>19:41:43 1 observed was I went out to Meadow Lane and it 19:41:47 2 was probably 10:30 in the morning and the pipe 19:41:50 3 in the street was still flowing with no backup. 19:41:54 4 I did a tour around the end of the property and 19:41:57 5 went and looked at another piece of property. I 19:41:59 6 came back about 40 minutes later and now the 19:42:03 7 pipe was six inches under water, this is the 19:42:06 8 pipe on Meadow Lane. So what it was telling me 19:42:08 9 is that the pipe had reached capacity and was 19:42:12 10 now backing up. 19:42:13 11 The interesting observation was 19:42:14 12 that on Star Farm Road I looked at the storm 19:42:18 13 drain pipes on Star Farm and they were flowing 19:42:21 14 about half full, and we have the math and we can 19:42:27 15 show the numbers. It's clear that the pipe that 19:42:30 16 runs from Meadow Lane does not have enough 19:42:32 17 capacity. It starts to back up long before the 19:42:36 18 existing pipes on Star Farm Road reach their 19:42:40 19 capacity. 19:42:40 20 So what I did was look at some 19:42:52 21 calculations on numbers and it really points out 19:42:55 22 to us a couple of things. Clearly the best 19:42:57 23 alternative is still to run through the 19:42:59 24 property. We looked at other things like the 19:43:01 25 water that's stored right now on Meadow Lane,</p>	<p>19:44:11 1 MR. WASP: Based on our 19:44:13 2 observations and calculations there's minimal 19:44:17 3 amount of work that would need to be done, if 19:44:19 4 any, to accommodate the additional flow. We 19:44:22 5 actually calculated based on the observation 19:44:25 6 with the depth of water on Meadow Lane, we 19:44:28 7 calculated how many acre feet of water that 19:44:31 8 represented and did the calculation. So the 19:44:32 9 answer is there is capacity built into that 19:44:34 10 retention pond and if there was any kind of 19:44:37 11 minimal increase it's insignificant. 19:44:42 12 MR. ALLEGRETTI: Just for the 19:44:43 13 record. At the start of the hearing I marked as 19:44:48 14 Exhibit O four pages of photographs that 19:44:55 15 Mr. Garfield's counsel handed out at the last 19:44:59 16 meeting, it was pictures that Mr. Gordon handed 19:45:04 17 out, we marked it as Exhibit O. It was 19:45:07 18 inadvertently omitted from being marked as an 19:45:10 19 exhibit at the last hearing. 19:45:12 20 I've marked for identification 19:45:15 21 Exhibit P, which is the engineer's marking of 19:45:19 22 the pipes that exist on the drainage from Meadow 19:45:26 23 through Star Farm and out from there. Exhibit Q 19:45:31 24 for the record is the Meadow Lane drain 19:45:33 25 alternates prepared by the engineering</p>

Page 14	Page 16
<p>19:50:45 1 anything, we would like to see that. If it 19:50:47 2 hasn't been done it should be done. It was said 19:50:49 3 it was going to be done last time, it should be 19:50:49 4 done this time, we would like to see that. 19:50:50 5 Again, the downstream property 19:50:52 6 owners, how it's going to affect them. I know 19:50:55 7 it's been mapped out but there's going to be a 19:50:58 8 lot of changes in this drainage system. 19:51:01 9 Certainly a key element of this is how it's 19:51:04 10 going to affect those downstream property 19:51:06 11 owners. So those studies should be issued. 19:51:06 12 Again the math, the calculations, 19:51:10 13 we're entitled to see that and we're entitled to 19:51:12 14 review it. I'm here again to ask you tonight 19:51:16 15 give the public, give the Garfields these 19:51:18 16 numbers, give them this information, allow them 19:51:19 17 to study it and make their determinations on it. 19:51:23 18 Keep the process open. 19:51:25 19 You're trying to take the Garfields 19:51:26 20 property, please go through the process in an 19:51:28 21 open matter and not just yeah, we studied it, 19:51:30 22 it's okay and leave it at that, and providing us 19:51:33 23 with a few drawings showing where it goes. That 19:51:35 24 really doesn't show us anything, it doesn't show 19:51:36 25 how the Garfields' property is going to be</p>	<p>19:52:59 1 just briefly touch upon that. 19:53:01 2 MR. WASP: I realize I was 19:53:02 3 summarizing and going through these things 19:53:04 4 quickly. First of all, the construction costs 19:53:07 5 that we presented did account for restoration on 19:53:10 6 the property. The second item is the effect on 19:53:15 7 the downstream users. We looked at this very 19:53:18 8 closely and that was the reason we went out and 19:53:20 9 did the dye test and verified what was there. 19:53:23 10 We found good information, we 19:53:28 11 calculated it and we have that information. We 19:53:32 12 calculated the storage of the water that was 19:53:37 13 backing up on Meadow Lane. I would point out 19:53:40 14 that years ago the water didn't back up on 19:53:44 15 Meadow Lane, and the water flowed through that 19:53:48 16 property and it went into the retention basin 19:53:50 17 and the retention basin took that flow. 19:53:52 18 So we had to look at it from 19:53:53 19 probably three different angles. Before the 19:53:56 20 water started backing up on Meadow Lane, and 19:53:59 21 remember there's a berm that blocks the water 19:54:01 22 from going, that's why it backs up on Meadow 19:54:03 23 Lane and the pipe is insufficient. 19:54:04 24 MR. ALLEGRETTI: Can you tell the 19:54:06 25 Board where exactly that berm is?</p>
Page 15	Page 17
<p>19:51:37 1 restored, what the plans are for that. 19:51:39 2 Consider those other alternatives 19:51:42 3 which allow this to be taken care of without the 19:51:46 4 taking of private property through condemnation, 19:51:48 5 which in this case it's not the right way to 19:51:51 6 remediate it, given the amount of development 19:51:54 7 and what's going on in that road as far as water 19:51:56 8 being directed into that area. So I urge you to 19:52:00 9 reconsider the alternative that's being 19:52:02 10 considered here, the use of condemnation. 19:52:05 11 Again, the Garfields will continue 19:52:06 12 to cooperate. If this is the dead set solution 19:52:11 13 the Town Board is set on going with, but we do 19:52:14 14 want to see those calculations, we do want to 19:52:16 15 see the math, the numbers before this hearing is 19:52:18 16 closed and have an opportunity to review them 19:52:21 17 and I urge you to do that. Thank you very much. 19:52:24 18 MAYOR WALSH: Thank you. 19:52:27 19 Mr. Allegretti. 19:52:39 20 MR. ALLEGRETTI: For the record, 19:52:40 21 I've asked the Commissioner to briefly address a 19:52:43 22 comment raised by Mr. Gordon on behalf of the 19:52:46 23 condemnee with respect to the actual pipe, where 19:52:51 24 it's going to be, the restoration of the 19:52:54 25 property post-condemnation. Bob, if you could</p>	<p>19:54:11 1 MR. WASP: (Indicating.) 19:54:15 2 MR. ALLEGRETTI: Describe where on 19:54:17 3 the map you're indicating. 19:54:18 4 MR. WASP: It would be the bottom 19:54:22 5 side of Meadow Lane along the Garfield property. 19:54:25 6 There's a large berm, and that berm which was 19:54:28 7 installed somewhere about ten years ago blocks 19:54:35 8 the water from going through except for what 19:54:38 9 water goes through that eight-inch pipe. 19:54:40 10 So we looked at it from the 19:54:42 11 standpoint of Star Farm Road, when it was built 19:54:44 12 it was designed to take the water from Meadow 19:54:46 13 Lane before the berm, the water did go through 19:54:49 14 there, it went into the retention basin. Where 19:54:51 15 it went from there to the other properties, out 19:54:54 16 of that retention basin into a 24 inch pipe 19:54:56 17 which went to an open ditch, that's ten years 19:55:00 18 ago. 19:55:00 19 What's out there now is not that, 19:55:03 20 that's not a town pipe. The pipe coming out of 19:55:07 21 the retention basin, that's ours, to the 19:55:10 22 property line, a short distance. From there on 19:55:15 23 private property, private property owners, 19:55:18 24 someone on there built a pipe that goes to 19:55:20 25 another pond. There's another pipe that wasn't</p>

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20:00:09 1 understand this whole thing. The town is going
 20:00:12 2 to go through this expense. we're going through
 20:00:14 3 a situation of taking somebody's land and you're
 20:00:18 4 indicating that the berm and the pipe, which you
 20:00:20 5 don't know who built or when it was built, and
 20:00:23 6 the berm are the things that are actually
 20:00:25 7 causing the flooding.
 20:00:26 8 Now who built the berm? The
 20:00:30 9 responsibility should not be ours if someone
 20:00:34 10 built the berm for their own pleasure, or if
 20:00:36 11 someone put in a pipe so that his water will go
 20:00:41 12 into a different direction. The investigation
 20:00:42 13 should be who built the berm, who put in the
 20:00:45 14 pipe and those two people who are guilty of that
 20:00:48 15 should not subject the Town of Harrison to
 20:00:51 16 rebuilding a situation, putting the Garfields
 20:00:55 17 into that situation going into the worst
 20:00:59 18 possible kind of condemnation of taking other
 20:01:02 19 people's land.
 20:01:04 20 So why can we not answer the
 20:01:06 21 question of who built the berm, who put it in
 20:01:09 22 the pipe and go from there. That should be your
 20:01:11 23 first point and the pivotal point of what we're
 20:01:16 24 doing and how we're doing it. I don't
 20:01:18 25 understand it. Either I'm completely stupid

Page 23

20:01:22 1 about it but it seems very simple. If you admit
 20:01:26 2 it's the berm and the pipe, let's get to the
 20:01:28 3 berm and the pipe.
 20:01:33 4 MR. ALLEGRETTI: Does anybody else
 20:01:34 5 want to comment?
 20:01:36 6 COUNCILMAN CANNELLA: I'll make a
 20:01:38 7 motion that --
 20:01:38 8 MR. ALLEGRETTI: Before you
 20:01:39 9 actually make that formal motion, I'm not sure
 20:01:41 10 that on a review of the transcripts that a SEQR
 20:01:46 11 has to be done as part of this process. At the
 20:01:50 12 very least tonight do you declare yourself lead
 20:01:52 13 agency?
 20:01:53 14 COUNCILMAN CANNELLA: I don't
 20:01:54 15 believe so. I will make a motion that the town
 20:01:55 16 Board declare itself the lead agency for
 20:01:58 17 purposes of SEQR.
 20:02:00 18 MAYOR WALSH: I second it.
 20:02:02 19 COUNCILMAN VETERE: I second it.
 20:02:02 20 MAYOR WALSH: All in favor?
 20:02:04 21 (Chorus of ayes.)
 20:02:05 22 COUNCILMAN CANNELLA: I will make a
 20:02:06 23 motion to close the public hearing
 20:02:08 24 COUNCILMAN VETERE: Second
 20:02:08 25 MAYOR WALSH: All in favor?

Page 24

20:02:09 1 (Chorus of ayes.)
 20:02:16 2 MR. ALLEGRETTI: The next step is
 20:02:17 3 that under the Eminent Domain law the Board has
 20:02:20 4 90 days to issue a written determination and
 20:02:24 5 findings with respect to the condemnation of the
 20:02:26 6 easement in question and we will do so
 20:02:31 7 MAYOR WALSH: Thank you.
 8 (Time noted: 8:00 p.m.)
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Page 25

1 CERTIFICATE
 2
 3 I, Roberta Caiola, a Shorthand
 4 Reporter and Notary Public within and
 5 for the State of New York, do hereby
 6 certify:
 7
 8 That the statements contained
 9 herein is a true record of the proceedings
 10 in this matter
 11
 12 I further certify that I am not
 13 related to any of the parties
 14 involved in this proceeding, and that
 15 I am in no way interested in the
 16 outcome of this matter
 17
 18
 19
 20 ROBERTA CAIOLA
 21
 22
 23
 24
 25

February 21, 2008

2008 - - 110 - - b

DESIGNATION OF THE TOWN BOARD AS LEAD AGENCY FOR
THE PURPOSE OF SEQRA RE: EMINENT DOMAIN OF 7 MEADOW LANE

On motion of Councilman Cannella, seconded Councilman Vetere,

it was

RESOLVED to designate the Town Board as Lead Agency for the purpose of SEQRA in the matter regarding a pending eminent domain proceedings involving 7 Meadow Lane.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys.

Adopted by the following vote:

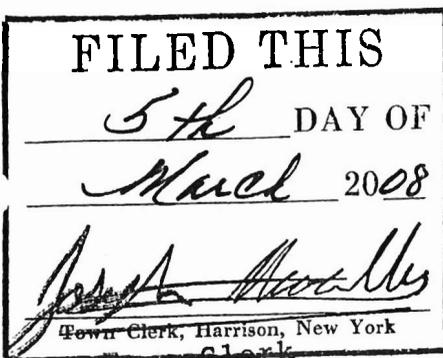
AYES: Councilmen Cannella, Vetere, Sciliano and Scappaticci
Supervisor Walsh

NAYS: None

ABSENT: None

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February 21, 2008

2008 -- 111 -- a

PUBLIC HEARING PURSUANT TO ARTICLE 2, SECTION 10 AND
ARTICLE 3, SECTION 3 OF THE MUNICIPAL HOME RULE LAW, FOR THE PURPOSES
OF ENACTING A LOCAL LAW TO PREVENT ASSESSMENTS OF CONVERTED
CONDOMINIUMS PURSUANT TO THE REAL PROPERTY TAX LAW.

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

Councilman Cannella stated the consequence of conversion of existing residential commercial properties into condominiums has a substantially negative effect on the tax rolls. He went on to say that previous legislation that has been adopted elsewhere has the consequence of preventing that change from being accomplished so that the evaluation of the property is not negatively effected by the form of ownership.

Mrs. Lucille Held addressed the Board and asked why the Board can't enact a law that would prohibit a certiorari from being granted by the Town if the property owner intentionally allows the property to deteriorate.

Supervisor Walsh stated the commercial properties built many years ago in Town are very different from the market value of the commercial properties today. Supervisor Walsh went on to say it is the market value of the properties that determine what the value of the commercial space is and it is not necessarily the condition of the space.

Mrs. Held stated she did not understand that reasoning because if the structure of the building has not been renovated and the owner allows it to deteriorate in price the owner of the building will have trouble finding tenants. Mrs. Held went on further to say it is up to the owners to maintain the buildings whether they are a commercial or residential space in order to maintain market value.

Supervisor Walsh stated that most of the buildings in Town are under constant renovation. This particular building that Mrs. Held is referring to was not occupied for quite sometime and as a result deteriorated. Mrs. Walsh stated she believed the value of the property would increase with the new tenants moving into the building.

Councilman Vetere asked Mrs. Held what her question had to do with the proposed enactment of a local law regarding the converted condominiums.

Mrs. Held stated she was asking how the Town might go about enacting a local law prohibiting giving certioraris to business owners who allow their buildings to deteriorate like the Board is presently discussing enacting a local law regarding condominiums. Mrs. Held reiterated her question again to the Board.

Supervisor Walsh stated there is a law that business owners must maintain their property however, they do not have to maintain it in the best condition.

On motion of Councilman Cannella seconded by Councilman Vetere with all members voting in favor the Hearing was closed.

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FILED THIS

5th DAY OF

March 2008

Joseph M. Cannella

Town Clerk, Harrison, New York

February 21, 2008

2008 -- 111 -- b

APPROVAL OF THE AMENDMENT OF THE HARRISON TOWN CODE BY
ENACTMENT OF A LOCAL LAW ENTITLED:
TAXATION OF CONVERTED CONDOMINIUMS

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the Amendment of the Harrison Town Code by enactment of a Local Law entitled "Taxation of Converted Condominiums",

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Assessor, and the Town Attorneys.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Sciliano and Scappaticci
Supervisor Walsh

NAYS: None

ABSENT: None

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FILED THIS
5th DAY OF
March 2008
A. J. A. M. H.

February 21, 2008

2008 - - 112

AUTHORIZATION FOR FIRE MARSHAL SURACE TO ATTEND THE
CONGRESSIONAL FIRE SERVICES INSTITUTE NATIONAL
FIRE & EMERGENCY SERVICES SEMINAR, IN
WASHINGTON, D.C. COST: \$1,600

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request by Fire Marshal Steve Surace for authorization to attend the Congressional Fire Services Institute National Fire & Emergency Services Seminar, in Washington, D.C., from April 1 through April 4, 2008, at a cost not to exceed \$1,600.

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

Adopted by the following vote:

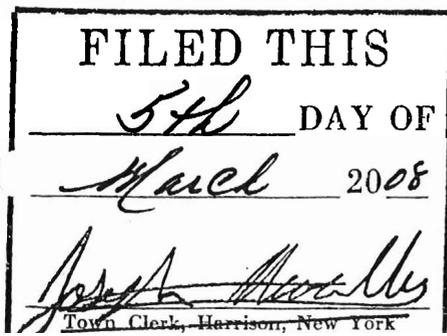
AYES: Councilmen Vetere, Cannella, Sciliano and Scappaticci
Supervisor Walsh

NAYS: None

ABSENT: None

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February 21, 2008

2008 - - 113

ACCEPTANCE, WITH GREAT REGRET, OF THE RETIREMENT OF
SGT. DOMINICK PASCALE

Supervisor Walsh stated Sergeant Pascale has been one of the two officers in the Police MIS Department and will be sorely missed.

Chief of Police David Hall addressed the Board and wished Sergeant Pascale the best of luck. The Chief stated Sergeant Pascale has been a loyal, dedicated employee of the Police Department for over 22 years. He did a terrific job working with Lieutenant Schuck in the MIS Department, particularly, getting the 911 system up and running. The Chief went on to say that anything that was asked of Sergeant Pascale was done and done well and he will miss him deeply.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to accept, with regret, the retirement of Sgt. Dominick Pascale, effective March 1, 2008.

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

Adopted by the following vote:

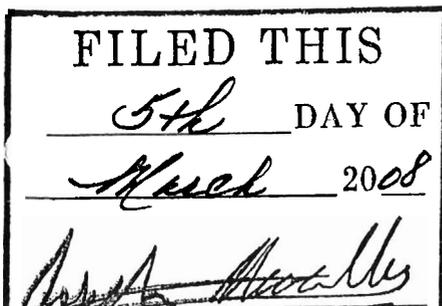
AYES: Councilmen Cannella, Vetere, Sciliano and Scappaticci
Supervisor Walsh

NAYS: None

ABSENT: None

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- Supvs'r



February 21, 2008

2008 -- 114

AUTHORIZATION FOR BUILDING INSPECTOR ROBERT FITZSIMMONS,
ASSISTANT BUILDING INSPECTOR ROCCO GERMANI AND
CODE ENFORCEMENT OFFICER EDWARD DIBUONO TO ATTEND
THE HUDSON VALLEY CODE ENFORCEMENT OFFICIALS EDUCATIONAL
CONFERENCE IN POUGHKEEPSIE, NY, COST: \$2,300

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Building Inspector Robert Fitzsimmons for authorization for himself, Assistant Building Inspector Rocco German and Code Enforcement Officer Ed DiBuono to attend the Hudson Valley Code Enforcement Official Education Conference in Poughkeepsie, NY from April 15th to April 18, 2008, at a cost not to exceed \$2,300.

The purpose of this conference is to fulfill eighteen hours of continuing education requirements and to stay updated on the state code revisions.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Sciliano and Scappaticci
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

FILED THIS
5th DAY OF
March 2008
Joseph A. Cannella

February 21, 2008

2008 - - 115

TABLED: CREATION OF THE POSITION OF JR. NETWORK SPECIALIST
IN THE HARRISON POLICE DEPARTMENT

Councilman Scappaticci stated he was not in favor of creating the position of a Jr. Network Specialist since he has not interviewed the person that the Chief has in mind to hire and believes the position should be a Sr. Network Specialist. He went on further to state with the retirement of Sergeant Pascale as well as other future retirements in the Police MIS Department the Town will be losing a lot of experience in the IT field. It is his belief that a Jr. Network Specialist is only able to assist personnel, while, what is needed is an expert in HTE. HTE is the name of the software that is used by the Police Department and other Departments in Town Hall.

Supervisor Walsh stated she did speak with representatives from HTE and asked them if the Town could either have a representative from HTE that is within an hour from Harrison, or hire someone from the company to work in the MIS Department at Police Headquarters. HTE is a company that serves municipalities all over the country and they are currently not located in New York. The Town pays the travel expenses for any representative from HTE that comes to train Police personnel on the software. Supervisor Walsh went on to say that HTE told her no because the trainers for the company are specialized in a particular field, for example, one trainer is an expert on the Building Department software module, another is an expert on the Comptroller's software module.

Councilman Scappaticci stated he was not looking for a SME (Subject Matter Expert), "He is looking for someone who is knowledgeable in the operation of HTE as a whole." He continued by stating HTE is a menu driven application and if not configured properly it will not work. It is his belief that at the minimum a Sr. Network Specialist be hired instead of a Jr. Network Specialist because the qualifications of a Jr. Specialist are the ones that they are able to assist an expert.

Chief of Police David Hall addressed the Board and stated that he had spoken with Councilman Scappaticci as well as Lt. Deborah Schuck from the Police MIS Department and it is his opinion that they need someone to do the work and carry out the programs that need to be implemented within the Department. The Chief went on to say, he was not looking for an administrative person.

Councilman Scappaticci stated that the Sr. Specialist position was not going to be created to be a boss but created to do the work. He reiterated that a Jr. Specialist did not have the experience a Sr. Specialist has and it is more like an apprentice type position.

Chief Hall questioned if there is a County test for the position.

Councilman Scappaticci replied yes.

Supervisor Walsh stated she had spoken with Arun Ankola, the Director of the Town's IT Department about this particular person they are considering. She went on to say this individual took the County test for a Jr. Network Specialist three years ago and is now qualified to take the Sr. Network Specialist test and will take it soon. It is her belief as well as Mr. Ankola's that this person is qualified for the position and should be hired for the job.

Councilman Scappaticci asked Chief Hall if he was recommending this individual for the position.

Chief Hall stated he never interviewed the individual, however, the individual was first on the County list for the position and was interviewed by Lt. Schuck and Sgt. Pascale. The Chief further stated that both officers found this individual to be qualified for the position.

Councilman Scappaticci stated he wanted to interview the individual and that it is his opinion the position that is being proposed is not sufficient.

Councilman Vetere stated two members of the Police MIS Department have interviewed this individual and found him qualified.

Councilman Cannella stated the position that is being created this evening is one that is based on a particular person that may have qualifications that exceed the title and would have closer qualifications to a Sr. Network Specialist. Mr. Cannella continued to say that he is in favor of Councilman Scappaticci interviewing the individual for the fact that Councilman Scappaticci has the largest experience of all the Board members in the IT field.

Councilman Vetere stated that two Police Officers in the Police MIS Department have interviewed this individual and found him favorable. He continued to say he finds their recommendation sufficient.

Councilman Scappaticci stated in the past the Board has interviewed employees and as a Board should interview this candidate.

Supervisor Walsh explained that she and the Chief are requesting that the position be established. In the past, the Board did not interview everyone that was to be hired.

Chief Hall stated this position needs to be created very soon because of the retirements in his MIS Department. He asked the Board to create the position and interview the candidate at a later date.

Councilman Cannella asked Town Attorney Frank Allegretti that if the position of Jr. Network Specialist is created and the individual is interviewed and is not found to be qualified does the Town have to hire either the second or third persons on the County list or can the Town eliminate the position and create a higher title?

Mr. Allegretti stated he did not believe that was a precedent the Board would want to set and also believed there may be issues raised by the union if that occurs.

Chief Hall stated he wanted this position created a year ago and is now faced with two officers retiring in the MIS Department and needs someone right away.

Councilman Scappaticci reiterated his position that he wishes to interview the individual before the position is created.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to defer the creation of Jr. Network Specialist for the Harrison Police Department until such time as the Board can interview the candidate for the position.

FURTHER RESOLVED to forward a copy of this Resolution to the Chief of Police, the IT Director and the Town Attorneys.

Adopted by the following vote:

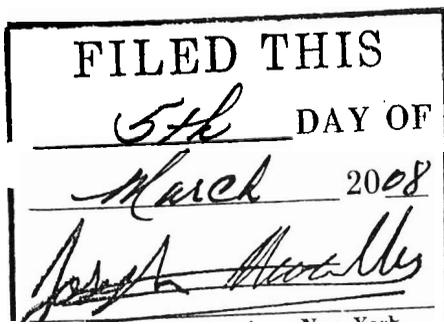
AYES: Councilmen Cannella, Vetere, Sciliano and Scappaticci

NAYS: Supervisor Walsh and Councilman Vetere

ABSENT: None

Copies to:

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



h. t. D. ...

February 21, 2008

2008 - - 116 - - a

APPOINTMENT OF TAYLOR DIAZ TO THE PART-TIME AVAILABILITY LIST

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to appoint Taylor Diaz to the Part-time Availability list, effective February 25, 2007, at the rate of \$10 per hour.

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

Adopted by the following vote:

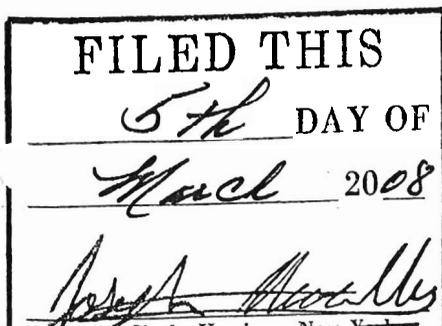
AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



February 21, 2008

2008 -- 116 -- b

APPOINTMENT OF KRISTEN SHERMAN TO THE PART-TIME AVAILABILITY LIST.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to appoint Kristen Sherman to the Part-time Availability list, effective February 25, 2007, at the rate of \$10 per hour.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

FILED THIS

5th DAY OF

March 2008

[Signature]

February 21, 2008

2008 - - 117

AUTHORIZATION TO CHANGE THE TITLE OF CODE ENFORCEMENT OFFICER
TO ASSISTANT BUILDING INSPECTOR, GRADE 10

Supervisor Walsh stated this change is being made because the Building Department added another Code Enforcement Officer in the budget. The current Code Enforcement Officer's Grade was elevated from a Grade 9 to a Grade 10 therefore, this change reflects the same.

Building Inspector Bob FitzSimmons addressed the Board and stated that monies for the new Code Enforcement Officer position were budgeted for a Grade 9. He is requesting the change be made to a Grade 10 and also that the title be changed to Assistant Building Inspector in order for him to choose from a more experienced pool of applicants.

Councilman Cannella reiterated the request to be clear that what the Building Inspector is looking to do is change the position of the second Code Enforcement Officer in the Building Department to the title of Assistant Building Inspector, Grade 10.

Mr. FitzSimmons responded yes.

Councilman Cannella stated that he had one concern with this request and that is there is a number of back logged complaints that the Code Enforcement Officer must attend to. He went on to question if by making this new Code Enforcement Officer an Assistant Building Inspector would that new position still be dedicated to addressing the Code Enforcement needs of the community.

Mr. FitzSimmons responded yes. He went on to say this allows him to draw upon a much larger pool of applicants.

Councilman Scappaticci asked if the applicants for the exam are certified by the State to write summonses as a Code Enforcement Officer.

Mr. FitzSimmons responded that 99% of the time they are not certified, however they have one year to become certified and within that year they are able to write summonses. He went on to say he is also able to choose from a pool of Assistant Building Inspectors who are already certified to write summonses.

Councilman Cannella responded that that would be the goal in order to avoid any conflicts.

Ed DiBuono, Code Enforcement Officer for the Town addressed the Board and stated he was not in favor of this change. He went on to say he believes the position of Code Enforcement Officer should be one that is dedicated to the job and not be split in between being a Code

Enforcement Officer and being a Building Inspector. Mr. DiBuono stated the position for a second Code Enforcement Officer was budgeted and that is the position that should be made.

He went on further to state he needs someone full time with him.

Supervisor Walsh stated that Mr. FitzSimmons is the Department Head of the Building Department and that it is up to him as to which assignments are given out.

Mr. DiBuono stated that many organizations have come before the Board and asked for more Code Enforcement in the Town. He stated it is up to the Board to comply with their wishes and have another dedicated, full time Code Enforcement Officer.

Supervisor Walsh stated the Board owes it to the community to get the most qualified person they can.

Councilman Cannella asked Mr. FitzSimmons if the new person would be doing code enforcement work.

Mr. FitzSimmons responded yes, this change was to select from a more experienced pool. He concluded by saying the Inspector would be dedicated to code enforcement.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Building Inspector Robert FitzSimmons for authorization to change the budgeted position of Code Enforcement Officer to the title of Assistant Building Inspector, Grade 10.

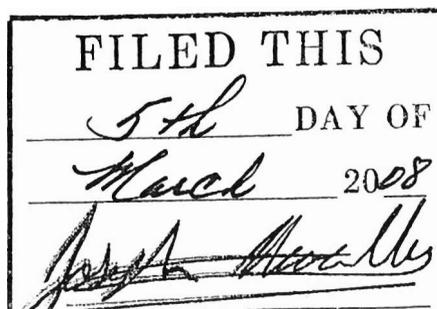
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Building Inspector and the Personnel Manager.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None



Copies to:

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

February 21, 2008

2008 - - 118

AUTHORIZATION FOR THE APAWAMIS CLUB TO HOLD THEIR ANNUAL FIREWORKS DISPLAY ON THEIR GOLF COURSE ON JULY 4, 2008, WITH A RAIN DATE OF JULY 5, 2008

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Allyson Mahler, Marketing & Special Events Manager for authorization for the Apawamis Club to hold a fireworks display on their golf course, Friday, July 4th, beginning at 8:45 pm, with a rain date of Sunday, July 5, 2008.

FURTHER RESOLVED that the fee be waived.

FURTHER RESOLVED that a Certificate of Insurance be submitted and approved.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys, the Commissioner of Public Works, the Chief of Police, the Fire Marshal, the Chief of the Purchase Fire Department and Allyson Mahler.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- Allyson Mahler*
- Fire Marshal S. Dot*

FILED THIS
5th DAY OF
March 2008
Joseph A. Scappaticci
 Town Clerk, Harrison, New York

February 21, 2008

2008 - - 119

TABLED: FIRE MARSHAL STEVE SURACE REQUEST RE: CODE CHANGES FROM SECTION 143-24.B FEES TO CHAPTER 137 OF THE TOWN CODE

The matter was tabled until the March 18, 2008 Town Board Meeting.

Copies to:

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

Fire Marshal

FILED THIS

5th DAY OF

March 20*08*

[Signature]
TOWN CLERK HARRISON, NEW YORK

February 21, 2008

2008 - - 120

AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR THE PURCHASE OF MISCELLANEOUS EQUIPMENT FOR FIRE DISTRICT 1 & 2

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for authorization to advertise and receive sealed bids for the purchase of miscellaneous equipment for Fire Districts 1 & 2.

FURTHER RESOLVED that funding is available in the Fire Districts 2008 Operating Budget.

FURTHER RESOLVED to forward a copy of this Resolution to Comptroller, the Director of Purchasing and the Chief's of Fire District 1 & 2.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Sciliano and Scappaticci
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

Chief of FD #1 & #2

FILED THIS
5th DAY OF
March 2008
Joseph Cannella
 Town Clerk, Harrison, New York

February 21, 2008

2008 - - 121

AUTHORIZATION FOR THE APPORTIONMENT OF
LOT 12 AND 96 (Po11) BLOCK 951

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Assessor James Calandrucchio for authorization of the apportionment of assessed valuation of Lots 12 and 96 (Po11), Block 951 on the 2007 Assessment Roll (Taxes of 2008). Robert S. Wisse and Steven Starker have conveyed a portion of Lot 12 containing 1.7423 acres to Robert Wisse and Farrel Starker the adjoining owners of Lot 96, Block 951. On the same day, December 21, 2007, Mr. Wisse and Mr. Starker conveyed the remaining portion of Lot 12 (Po12) containing 2.3661 acres to Robert S. Wisse.

FURTHER RESOLVED that the apportionment has been reviewed by Planning Consultant Patrick and Building Inspector Bob FitzSimmons, since the transfer of property complies with the present zoning requirements, Mr. Cleary and Mr. FitzSimmons gave their approval to filing the necessary deeds.

FURTHER RESOLVED to forward a copy of this Resolution to the Assessor, the Building Inspector and Mr. Cleary.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

Mr. Cleary

FILED THIS
5th DAY OF
March 2008
Joseph A. Scappaticci
 Town Clerk - Haverham - New York

February 21, 2008

2008 - - 122

AUTHORIZATION FOR REIMBURSEMENT TO ASSISTANT ENGINEER FRANK BALBI
FOR COLLEGE COURSES TAKEN AT MANHATTAN COLLEGE COST: \$4,200

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Acting Town Engineer Bob Wasp for authorization to reimburse Assistant Engineer Frank Balbi for courses he took at Manhattan College, at a total cost of \$4,200.

“COM 606-61 – Engineering Risk and Decision analysis”

“COM 616-61 – Construction Estimation”

FURTHER RESOLVED that upon satisfactory completion and submission of Mr. Balbi’s attendance, and upon submission of proof of payment, the Comptroller be authorized to audit and pay expenses as outlined in the CSEA contract.

FURTHER RESOLVED that funding is available in the Engineering Operating Budget.

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

Adopted by the following vote:

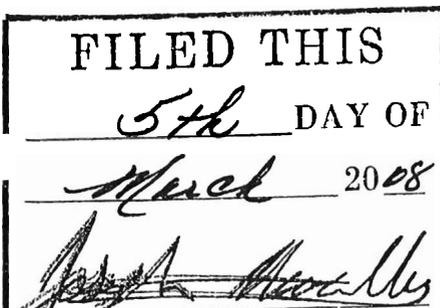
AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



February 21, 2008

2008 - - 123

AUTHORIZATION TO RETAIN AN AUCTIONEER AND
HOLD PUBLIC AUCTIONS FOR MISCELLANEOUS FURNITURE, EQUIPMENT AND
OBSOLETE VEHICLES

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for authorization to retain an auctioneer and hold public auctions for the sale of miscellaneous furniture, equipment and obsolete vehicles.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

FILED THIS

5th DAY OF

March 2008

Joseph A. Cannella
Town of Greece, Hamilton, New York

February 21, 2008

2008 - - 124

APPROVAL OF PURCHASE ORDER #280598 FOR FIRE DISTRICT #2
COST: \$11,352.62

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Director of Purchasing Judy D'Agostinis for authorization of Purchase Order #280598 for 1-Bullard T3 Mad (Red) Thermal Imaging Camera and Camera Mount for New Engine 13 in Fire District #2, at a total cost of \$11,352.62. Vendor: AAA Emergency Supply Co., 635 No. Broadway, White Plains, NY 10603.

FURTHER RESOLVED that funding is available in account #011-3411-100-02-40.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Director of Purchasing, and the Chief of Fire District #2.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

FILED THIS
54 th DAY OF
March 20 08
<i>Joseph A. Cannella</i>
New York

280598 #

February 21, 2008

2008 - - 125

AUTHORIZATION FOR THE MERGER OF LOTS 20, 21(21 THRU 23&53) AND
54(54&Po55), BLOCK 131

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Assessor James Calandruccio for authorization for a merger of Lots 20, 21(21 thru 23&53) and 54(54 & Po55), Block 131 on the 2007 Assessment Roll (Taxes of 2008.) 249 Halstead Avenue Properties, LLC, would like to have the aforementioned three (3) parcels merged into one (1) parcel in accordance with the survey.

FURTHER RESOLVED to forward a copy of this Resolution to the Assessor, the Town Attorneys and the Receiver of Taxes.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

Received of Taxes

FILED THIS
5th DAY OF

March 2008

Joseph A. Cannella

February 21, 2008

2008 - - 126

REPORT BY SUPERVISOR JOAN WALSH
RE: I-287, AND THE FUTURE OF THE TAPPAN ZEE BRIDGE.

Supervisor Walsh attended an informative meeting presented by the Westchester County Planning Board regarding I-287 and the future of the Tappan Zee Bridge. She stated the most troublesome findings from the Westchester County Planning Board was that the group who is studying the Tappan Zee Bridge and the traffic on I-287 did not take into consideration the amount of office parks that are located along I-287. The group is considering putting in an Inter Motor Transportation System which can be defined as a bus system, a mono rail system, a light rail system or a commuter rail system going across I-287. The system would have stops along I-287, however, the group did not take into consideration all the traffic from the employees in the office parks. Currently, the group is considering a bus system that will run from Suffern, NY, to Port Chester, NY, with stops along the way. However, that would require many parking lots along I-287. Another part of the meeting focused on a proposed tunnel from Long Island, NY, to Suffern, NY, which would accommodate an estimated 80,000 cars per day. A grant in the amount of \$600,000 was given to Port Chester to improve the parking system around their railroad system which could become an Amtrak system that runs to Suffern, NY. Supervisor Walsh concluded by stating the group who is conducting the study will deliver an opinion on which system will be more efficient and reduce the number of cars by the end of the year 2009.

Copies to:

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

FILED THIS

5th DAY OF

March 2008

Joan Walsh

February 21, 2008

2008 - - 127

APPROVAL TO SCHEDULE A PUBLIC HEARING FOR MARCH 6, 2008
RE: A LOCAL LAW TO CHANGE THE 2008 BUDGETED SALARIES
FOR THE TWO JUSTICES

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to schedule a Public Hearing for March 6, 2008 to change a local law regarding the 2008 budgeted salaries for the two Town Justices.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

FILED THIS

5th DAY OF

March 2008

Joseph A. Scappaticci
Town Clerk, Harrison, New York

Town Clerk

February 21, 2008

2008 - - 128

APPROVAL TO REFER TO THE TOWN ATTORNEYS THE REVIEW AND REVISION OF
THE LOCAL LAW PERTAINING TO GARDNERS' VEHICLES
IN RESIDENTIAL DRIVEWAYS.

Supervisor Walsh stated that it was brought to her attention that there are 72 outstanding violations for gardener's vehicles being parked in residential driveways. The Law, which has been on the books in the Town of Harrison for over 30 years, prohibits gardeners from parking their truck in the driveways. The Law further states the trucks must be parked in the gardener's garage. Supervisor Walsh stated she believes the law needs to be revised and would like the Town Attorneys to review it. At the same time, Supervisor Walsh stated she is asking the court to adjourn all 72 violations until the law has been reviewed.

Councilman Scappaticci asked Town Attorney Frank Allegretti if this was a matter for executive session.

Mr. Allegretti stated this was a matter of the litigation and should generally be discussed in executive session because it refers to a particular violation or summons. However, if the Board wished to discuss any changes in the law, that would be an appropriate matter for public session.

Supervisor Walsh stated she was not referring to a particular violation or summons, she is asking the Board to refer the matter to the Town Attorneys.

Mr. Allegretti stated that historically if there was a request to change a local law, the Town Attorneys would give each Town Board member a copy of the law with a comment sheet. Each Board member would then have the opportunity to make any revisions to the law and submit those changes to the Law Department. The Town Attorneys would then have to review the modifications made by each Board member and rewrite the law based on the consensus of the Board. Mr. Allegretti stated he would be happy to do this if the Board was so inclined, however he continued to state with respect to the on going prosecution for violations of the law, an amendment is not going to change the judicial outcome.

Councilman Sciliano stated that there is a reason why we have zoning codes and that is because of a quality of life issue. He went on to state that today the truck sizes have become too large and he receives numerous complaints from residents about the issue. He does not want to discriminate against anyone operating businesses, however, it is his belief the law should be revised to address the larger sizes of the trucks which are now being operated.

Chief of Police Dave Hall addressed the Board and stated the law has not been enforced because most of the trucks are not oversized. He continued that 90% of the trucks are 24ft x 8w x 8h which are not considered oversized. The parking in West Harrison is at a minimum and if the law is enforced and the trucks are ticketed for being parked in the driveway, the owners will park them on the street thus taking up anywhere from 1 ½ - 2 car spaces. Chief Hall went on to say he would not be conducting selective enforcement.

Mr. Allegretti stated most of the violations that were issued were the result of the owners having no room left in their garages/driveways. The violations were given throughout the Town and not just in West Harrison.

Eddie DiBuono, Town Code Enforcement Officer, addressed the Board and stated he has been writing the violations to residents who park the trucks in the driveways. He has received numerous complaints about the trucks in the driveways especially in the summer when employees of gardening businesses come to the house early in the morning and start up the equipment. Mr. DiBuono explained he has asked the owners to move them and they comply with his request most of the time after he explains the law to them. However, in some instances the owners move the trucks back to the driveway. It is not just gardening businesses that are in violation of this law, it is any resident who is operating a business out of the home which requires the use of commercial vehicles. Mr. DiBuono raised another concern, in that the commercial vehicle enforcement also aides in the elimination of illegal dwellings throughout the Town. It's also his position that by not allowing commercial vehicles in the driveways the Town is preventing multiple families from living in the residences, as well as the number of employees in a household. Mr. DiBuono concluded his remarks by asking the Board to review the law regarding front and side yard encroachments for parking. He stated he is using this violation as a tool for eliminating illegal housing because in most cases residents are using the entire front yard as a parking lot.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Supervisor Walsh to refer this matter to the Town Attorneys for review.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys.

Adopted by the following vote:

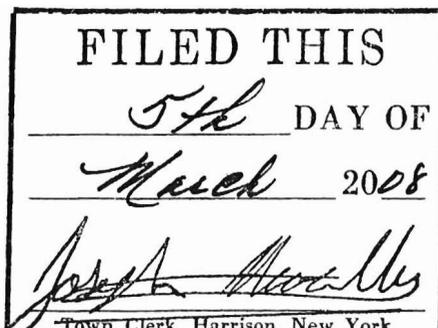
AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



February 21, 2008

2008 - - 129

AUTHORIZATION FOR THE TOWN ATTORNEYS TO REVIEW THE LOCAL LAW
RE: FINES FOR ILLEGAL APARTMENTS TO BE INCREASED SUBSTANTIALLY
FROM THE \$250 PER WEEK.

On motion of Councilman Cannella, seconded by Councilman Scappaticci

it was

RESOLVED to refer this matter to the Town Attorneys for review of the local law RE:
increasing the fines for illegal apartments.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys.

Adopted by the following vote:

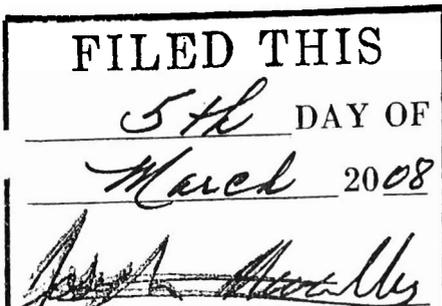
AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



February 21, 2008

2008 - -130

APPROVAL TO FORWARD TO THE ZONING BOARD FOR REVIEW
THE LOCAL LAW REGARDING GATES.

Councilman Scappaticci asked Mr. FitzSimmons if there were any other old laws that needed to be reviewed.

Mr. FitzSimmons addressed the Board and stated the Town Code needs to be revamped. With regards to the local law involving property gates, a request was made by the Zoning Board to the Building Department because the Zoning Board as of late have been getting many requests by residents to build gates that exceed the four feet allowed height. The Zoning Board does not want to change the code by variance and has taken a hard stance against gates or walls exceeding the allowed height. He further stated that attorneys for each resident requesting higher gates on their property take issue with the Zoning Board denying their request for said gates when certain properties have gates and walls exceeding the allowed limit.

Councilman Scappaticci asked Mr. FitzSimmons to bring to the Board a list of laws that need to be reviewed in priority order.

Mr. FitzSimmons concluded his remarks by requesting the Board to direct the Planning Board to start review of the permitted uses in the business zones, specifically §235-12 of the Zoning Code. Also, he asked the Board to review the local law with regards to the number of employees in a residence as discussed earlier in the evening, §235-4 needs to be reviewed as well.

Ed DiBuono, Town Code Enforcement Officer, addressed the Board and stated there are many homes in Harrison that have fences and gates that are locked. The only access to the property is a security code or key which the Police, Fire and EMS personnel do not have. He stated it is important that the town keep up its enforcement of this law in order to make sure emergency vehicles have access to the properties.

Copies to:

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

Chair of the Zoning Board

FILED THIS
5th DAY OF
March 2008
Joseph A. Mervelle
 Town Clerk, Harrison, New York

February 21, 2008

2008 - - 131

AUTHORIZATION FOR THE APPORTIONMENT OF BLOCK 843 LOTS 1(PO 1 THRU 4), 3(PO 1 THRU 4), 5(PO 5 THRU 8), 7(PO 5 THRU 8), 10(9 -10-11),12 (12-13), 14(14-15), 16(16-17) AND 18(18-19).

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Assessor James Calandruccio for authorization for the apportionment of assessed valuation of Block 843, Lots 1(Po1thru4), 3(Po1thru 4), 5(Po5thru 8), 7(Po5thru8), 10(9-10-11), 12(12-13), 14(14-15), 16(16-17) and 18(18-19) on the 2007 Assessment Roll (Taxes of 2008). Phoenix Industries of N.Y. Corp. has requested that the above nine (9) parcels be apportioned into eighteen (18) tax parcels only. Attached is filed map #28052, which was filed in the County Clerk's Office, Division of Land Records and recorded on November 7, 2007, titled "Unite Designation Map of Villas at Silver Lake situate in the Town of Harrison, Westchester County, New York."

FURTHER RESOLVED to forward a copy of this Resolution to the Assessor, The Receiver of Taxes, the Comptroller and the Town Attorneys.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

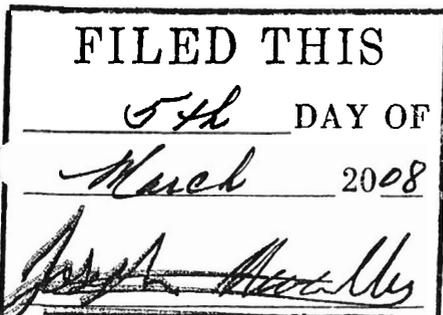
NAYS: None

ABSENT: None

Copies to:

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

Receiver of Taxes



February 21, 2008

2008 – 132

AUTHORIZATION TO HIRE THE ARCHITECTURAL FIRM OF
D'AMORE STUDIO DESIGN TO CONDUCT A STUDY
REGARDING THE OFFICE SPACE
FOR THE MUNICIPAL BUILDING.

Commissioner of Public Works Bob Wasp addressed the Board and stated he has received proposals from two architectural firms regarding the spatial needs study in Town Hall. The study is being conducted in order to form a space needs analysis of the current and future needs of Town Hall office space. Both firms are qualified for the job however, it his recommendation to hire D'Amore Studios based on the firms proximity to Town Hall. D'Amore Studios is a local firm while the other firm is based out of Long Island. Mr. Wasp went on to state that D'Amore Studio has agreed to conduct the study for an amount not to exceed \$11,000 with funds to come from the Building Maintenance Account. The study will be conducted within in a thirty day window.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to hire the architectural firm of D'Amore Studio to conduct a study of the current and future spatial needs of the Municipal Building at a cost not to exceed \$11,000.

FURTHER RESOLVED that funding is available in the Building Maintenance Account.

FURTHER RESOLVED the study will be conducted within a thirty day window.

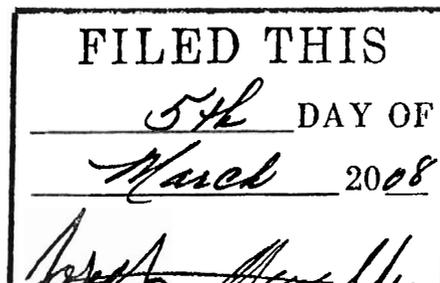
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Building Department, and the Town Attorneys.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None



Copies to:

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

This Resolution is being transferred to the Village as this is a Capital Project.

February 21, 2008

2008 – 133

AUTHORIZATION OF THE EXPENDITURE, NOT TO EXCEED \$18,000,
TO FUND THE PURCHASE OF NEW BLUE RECYCLING BINS
FOR BOTTLES AND CANS IN PUBLIC PLACES.

Commissioner of Public Works Bob Wasp addressed the Board and stated his Department has been working very diligently to promote the new County recycling law. He went on to say a major part in continuing this work would be to place new recycling bins in public places for bottles and cans. Mr. Wasp requested the Board to authorize this expenditure that will not exceed \$18,000. He explained that Comptroller Maureen MacKenzie has found the funds for this expense in Capital Accounts #06PW31 and #07RP08. He also requested that the Board authorize the Director of Purchasing to issue a purchase order to the supplier, Victor Stanley Co. who made the previous green Town recycling bins.

Supervisor Walsh asked Director of Purchasing Judy D'Agostinis if this would be acceptable.

Mrs. D'Agostinis replied yes.

On motion of Councilman Cannella, seconded by Councilman Scappaticci,

it was

RESOLVED to approve the request of Commissioner of Public Works Bob Wasp for authorization to purchase new blue recycling bins for bottles and cans in public places, in an amount not to exceed \$18,000.

FURTHER RESOLVED to authorize Director of Purchasing Judy D'Agostinis to issue a Purchase Order to Victor Stanley Co.

FURTHER RESOLVED that funding is available in the following Capital Accounts:
#06PW31- \$5,162. and #07RP08 - \$12,150.

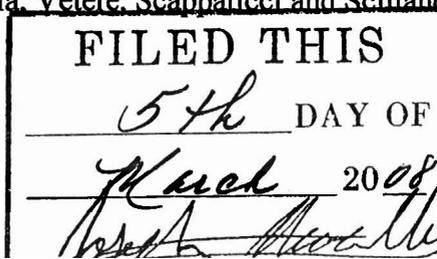
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Director of Purchasing and the Commissioner of Public Works.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None



Copies to:

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

February 21, 2008

2008 - - 134

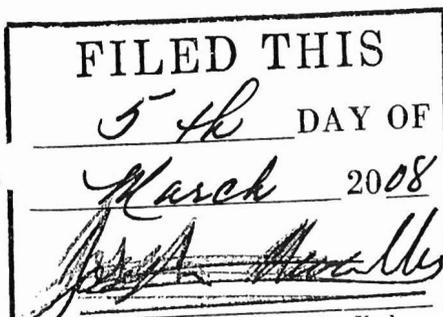
UPDATE BY COMMISSIONER OF PUBLIC WORKS BOB WASP
RE: THE SEWER PROJECT ON MAIN STREET IN WEST HARRISON.

Councilman Scappaticci asked Commissioner of Public Works Bob Wasp for an update on the sewer project on Main Street in West Harrison.

Mr. Wasp explained the Town had received a request from the Westchester County Law Department to put the approved easement from the Town on their map and that request was completed. He went on to state he is being responsive to every request the County has made and secured permission from the Westchester County Department of Environmental Facilities to tap into the County lines. He concluded by stating the easement request was the last part of the process and that was completed three days prior.

Copies to:

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



February 21, 2008

2008 - - 135

MATTERS FOR EXECUTIVE SESSION:

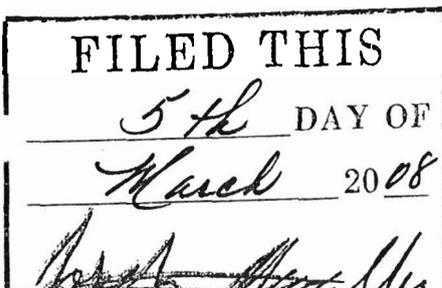
Contractual	1
Litigation	3
Potential litigation	1

On motion duly made and seconded,
with all members in favor,
the Meeting was recessed to Executive Session at 9:15 PM.

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

Copies to:

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



February 21, 2008

2008 - - 135

AUTHORIZATION TO HIRE ENERGETIX CORP., FOR SERVICES RELATED TO MANDATORY NYSDOT DRUG & ALCOHOL TESTING AND MANAGEMENT TRAINING COST NOT TO EXCEED \$4,500.

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Commissioner of Public Works Bob Wasp for authorization to hire Energetix Corp., for services related to mandated NYSDOT drug and alcohol testing, and management training, at a cost not to exceed \$4,500.

FURTHER RESOLVED to authorize the expenditure of \$500 for Energetix Corp. to prepare a formal written drug program and policy. This fee is not included in the current authorization request.

FURTHER RESOLVED that funding in the amount of \$5,000, is available in account #001-1900-100-44-07.

FURTHER RESOLVED to authorize the Town Attorneys to the review the contract and for the Supervisor to execute same.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

FILED THIS
5th DAY OF
March 2008
[Signature]

February 21, 2008

2008 - - 136

AUTHORIZATION TO RAISE THE CAP ON ATTORNEY FEES
IN THE MATTER OF TANCREDI v. MALFITANO ET AL. TO \$50,000.

On motion of Councilman Cannella, seconded by Councilman Scappatacci,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for an increase to \$50,000 for attorney fees in the matter of Tancredi v. Malfitano et al.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

FILED THIS

5th DAY OF

March 2008

Joseph A. Cannella

February 21, 2008

2008 -- 137

AUTHORIZATION TO RAISE THE CAP ON ATTORNEY FEES IN THE MATTER OF
TROIANO v. TOWN OF HARRISON TO \$20,000.

On motion of Councilman Scappatacci, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for an increase to \$20,000 for attorney fees in the matter of Troiano v. Town of Harrison.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

FILED THIS
5th DAY OF
March 2008
Joseph Scappatacci
Town Clerk, New York

February 21, 2008

2008 – 138

AUTHORIZATION TO RAISE THE CAP ON ATTORNEY FEES IN THE MATTER OF
RHEINGOLD v. TOWN OF HARRISON, TO \$20,000.

On motion of Councilman Cannella seconded by Councilman Scilaino

it was

RESOLVED to approve the request of Town Attorney Frank Allegretti for an increase to \$20,000 for attorney fees in the matter of Rheingold v. Town of Harrison.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

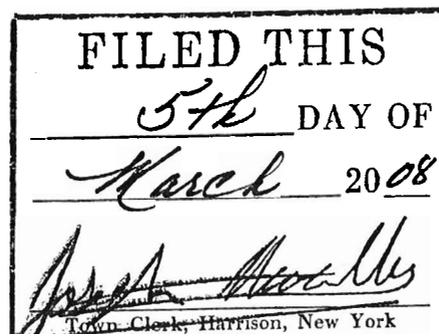
NAYS: None

ABSENT: None

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
with all members voting in favor, declared closed at 10:15 PM.

Respectfully submitted,

Joseph Acocella
Town Clerk



Copies to:

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