

July 18, 2008

A Special 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 18th day of July at 7:30 PM, Eastern Daylight Savings 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

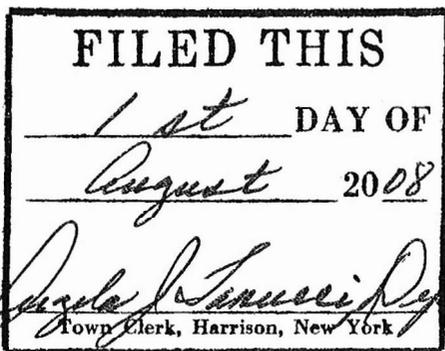
David Hall Chief of Police

On motion of Councilman Vetere, seconded by Councilman Cannella, with all members voting in favor, the Meeting was recessed for Executive Session at 7:05 PM.

On motion duly made and seconded, with all members voting in favor, the Meeting was reconvened at 7:10 PM.

Copies to:

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



July 18, 2008

2008 - - 370

CONDITIONAL APPOINTMENT OF ERIN HINCHEY
TO THE HARRISON POLICE DEPARTMENT, GRADE 5

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to make a conditional appointment of Erin Hinchey of 363 Harrison Avenue, Harrison to the Harrison Police Department, contingent on her passing all the medical exams required by the Police Department, effective July 28, 2008. Employee will receive wages effective August 4, 2008, Grade 5, at an annual salary of \$50,594, upon commencement of Academy.

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

Adopted by the following vote:

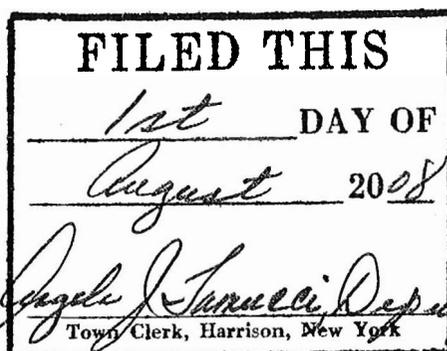
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



July 18, 2008

2008 - - 371
REMARKS BY AL PIRRO

Attorney Al Pirro, representing Chief of Police Dave Hall stated that it was his understanding that the Board called a special meeting for purposes to go into executive session to interview various consultants in connection with the June 5, 2008 resolution that was passed by this board. Mr. Pirro had the same objection as made at the last meeting. Mr. Pirro's opinion is that the scope and nature of the contract and the terms and the length is the essential terms of what is being implemented needs to be discussed in public and is not subject to or available for an executive session. He has absolutely no problem with the fact that the Board goes into executive session to conduct the interviews, but, as stated at the last meeting particularly in view of the fact that the June 5th resolution is basically void for vagueness. He believes that this particular scope of the contract, what it will be, will fill in that resolution and therefore should be discussed in public. That is the major point he wants to make tonight and he firmly believes that the spirit, certainly the intent of the open meeting laws are being violated.

Supervisor Walsh replied that they (the Board) will look into the complaints that have been made against the Police Department.

Mr. Pirro replied that the fact that you are going to look into the complaints of the Police really begs the questions. I filed a FOIL request and the FOIL request irrespectable of what was sent to Mr. Pirro today was nothing but a bunch of blogs off of the internet, was never met timely, it is subject of a proceeding right now that I have filed in the Supreme Court in Westchester County. He is waiting for an order of a Judge on the violation of the Freedom of Information Law and hopefully we will have that order delivered to you (the board) next week at which time we will have a determination. Now why is that important, its important because of the statements the Supervisor made on June 4th and other times which are all are alleged in the paper and proven from the Town Board records have indicated that these complaints, these phantom complaints are the basis of this resolution, and he would respectfully indicate to the Board that the Town Clerk can not certify that there are complaints, nor can he certify that the FOIL request has been satisfied. So we'll leave that up to a judge to decide. The fact is that in this particular case the whole investigation, as you (Supervisor Walsh) call it, whole evaluation as Mr. Cannella calls it, is based upon these complaints which are phantom complaints, you (Mrs. Walsh) have not turned them over, the Town Clerk who is charged with these duties has not turned them over, even that set aside, you're going to expend tax payers money, the whole predicate was that there are these complaints, there aren't complaints that have been delivered through the Town Clerk and Mr. Pirro said that he is trying forcefully as he can and humbly as he can that the June 5th resolution, in Mr. Pirro's opinion is totally void for purpose of having any essential terms. If you read it, the terms needed to be filled out and filled in and that should be done in public. What you do in private and who you (the Board) hire in private is none of his business, that's totally Town Board business. Mr. Pirro concluded by saying that it is his belief that he has made himself clear.

Councilman Cannella responded, without wanting to debate anything, the Town Board has not adopted a scope, number one, what we (the Board) are doing is general background interviews of potential personnel. That's all we're (the Board) doing. There is no question that when a scope is determined or in the process of being determined it will be publicly announced, that has not happened. The evaluation of that is part of the process and it will evolve as it goes forward. Mr. Cannella agrees with Mr. Pirro, that the resolution that Mr. Cannella made, good or bad, was vague, subject to being implemented and there will be no retention, this hoopla Mr. Cannella was surprised about, there were no specifics and in a situation like this which as important as it is, the specifics require very significant thought and analysis which we (the Board) have been doing and that is part of that process. What's happening tonight is respectfully a non-event there'll be no appointments, engagements or anything that will come out of it, but part of the deliberation and what we have always done, Mr. Cannella can't think of one exception, we have never done this in public, so it's a non-event.

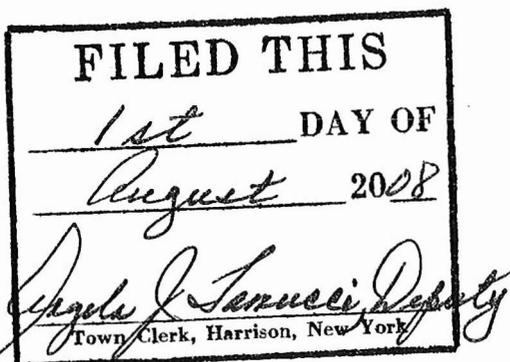
Supervisor Walsh spoke but the tape is inaudible.

Mr. Pirro didn't think that the interviews would be done in public, but what you (the Board) implements will be discussed in public. There is one other thing that Mr. Pirro wanted to point out and that has been mentioned consistently, he did research the issue that even if you hire an Independent person, you should be aware that under the Freedom of Information Act, whatever complaints are reviewed, delivered, interviews that that person may undertake of various people, is all subject to disclosure under FOIL, so there will be no secrecy, Mr. Pirro stated that he has researched the law.

Mr. Cannella replied that we (the Board) have already had advice of counsel and they will continue to expand that knowledge base.

Copies to:

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



July 18, 2008

2008 - - 372

MATTERS FOR EXECUTIVE SESSION:

Personnel 1
Condemnation of property 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed for
Executive Session at 7:11 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 9:08 PM

Copies to:

- Assessor
- Benefic
- Bldg
- Comm
- Engin
- Law
- Police
- P. W.
- Pur
- Rec
- Sup

FILED THIS
1st DAY OF
August 2008
Angela J. Amucci, Deputy
Town Clerk, Harrison, New York

July 18, 2008

2008 - - 373

APPROVAL TO HIRE A CONSULTANT RE: MEADOW LANE

Councilman Scappaticci stated that Commissioner of Public Works Robert Wasp and Deputy Village Attorney Jonathan Kraut are looking at two specific consultants; Kellard Engineering and John Meyers Consulting.

On motion of Councilman Cannella, seconded by Councilman Sciliano,
it was

RESOLVED to hire one of the above consultant's for Meadow Lane Stormwater District.

FURTHER RESOLVED that all charges will be charged back to the Stormwater District.
initial authorization capped at \$10,000.

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

Adopted by the following vote:

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

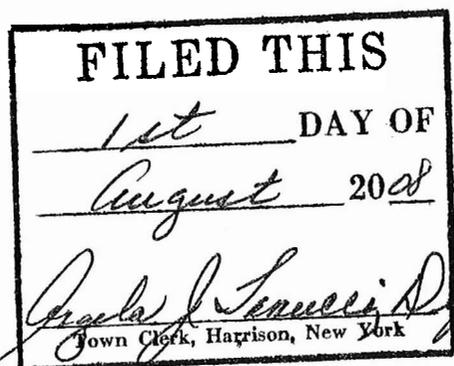
NAYS: None

ABSENT: None

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
declared closed at 9:10 PM.

Respectfully submitted,

Angela J. Tamucci
Deputy Town Clerk



Copies to:

- Assessor
- Benefits
- Bldg
- Compt'r
- Engrng
- Law
- Police
- P. Works
- Purchg
- Rec'n
- Super