

May 21, 2009

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 May at 8:15 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
Fred Sciliano)

MEMBERS ABSENT

Thomas Scappaticci)Councilman

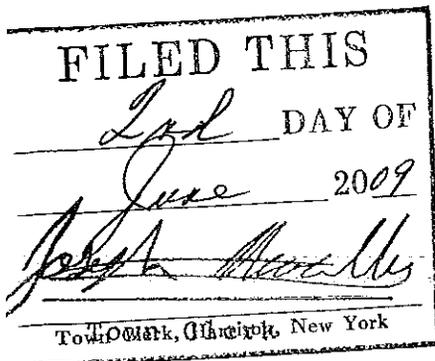
ALSO ATTENDING:

**Frank Allegretti Town Attorney
**Jonathan Kraut Deputy Village Attorney
Fred Castiglia Deputy Town Attorney
Robert Paladino Village Attorney
David Hall Chief of Police
Maureen MacKenzie Comptroller
Robert Wasp Commissioner of Public Works
Steve Surace Fire Marshall
Judy D'Agostinis Director of Purchasing
Robert FitzSimmons Building Inspector
Ron Belmont Superintendent of Recreation

** Attorneys Allegretti and Kraut arrived at 10:30 PM

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The Meeting was opened at 8:49 PM. and adjourned to Executive Session.
The Meeting was re-convened at 8:58 PM.

May 21, 2009

2009 - - 213

UPDATE BY SUPERVISOR WALSH RE: MTA

Supervisor Walsh stated that the Town of Harrison has been in negotiations with the Metro Transit Authority (herein referred to as "MTA") with respect to a downtown revitalization project that will erect a series of buildings on the Halstead Avenue property adjacent to the Town Hall on the eastbound side of the train tracks. The Supervisor explained this proposed project has been in discussion for many years including with the past administration. Councilman Joe Cannella and the Supervisor have had several conferences with the MTA Board of Trustees and are prepared this evening to bring forward a "Pre-Development Agreement" to the rest of the Town Board for authorization. The Supervisor went on to state that once completed, the project will be a credit to the downtown business district in town which is currently lacking.

Councilman Joe Cannella stated the Board is going to sign a pre-development agreement tonight with the MTA to move forward with the proposed revitalization of the downtown area located on the MTA property (adjacent to Town Hall on Halstead Avenue). The councilman further explained the town, in return for signing this agreement, will have no economic commitment whatsoever. Councilman Cannella added this is a major concession on the part of MTA to sign this agreement with town. The councilman continued by stating the project, once developed, will reflect the town's guidelines, not the future developer's guidelines. In addition, the Town's economic exposure is very limited as a result of this agreement. If the project does not move forward, it will not impact the town financially. Councilman Cannella further stated that given the economic climate everywhere, the town is not ready financially to commit a dollar amount which is why the pre-development agreement will work.

Councilman Fred Sciliano commented that there is still much progress to be made with respect to this project. The councilman wanted it to be clear that there will not be a shovel in the ground tomorrow as a result of signing this agreement however; abandoning the project at this time is not in the best interest of the town.

Councilman Cannella added that this project will go through a lengthy and involved process including many public hearings and meetings in which the public will have plenty of opportunity to comment.

Supervisor Walsh stated this project, right now, is the best opportunity the town has to improve its downtown area. The supervisor explained she has applied for federal stimulus funding however, those requests have ended up in different committees.

Mr. Cecil, Trustee of the MTA Board addressed the Board. Mr. Cecil stated he wanted to congratulate the Town Board for agreeing on moving forward on this agreement. Signing this agreement is a large step toward finalizing this proposed project which will have substantial benefits for the Town of Harrison and the MTA.

Councilman Pat Vetere stated he and former Supervisor Charles Balancia had several meetings with the MTA in the early 1990's and every time they had come close to an agreement the MTA backed away. The councilman stated he was thrilled the project was moving forward.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to authorize the Supervisor to sign the Pre Development Agreement with the MTA.

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

Adopted by the following vote:

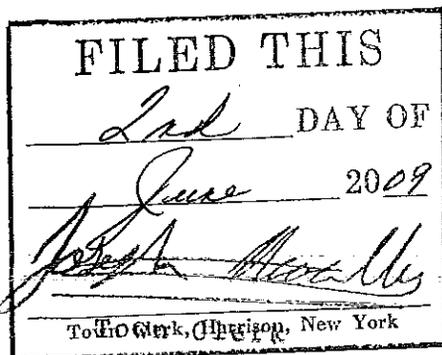
AYES: Councilmen Cannella, Vetere, Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

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May 21, 2009

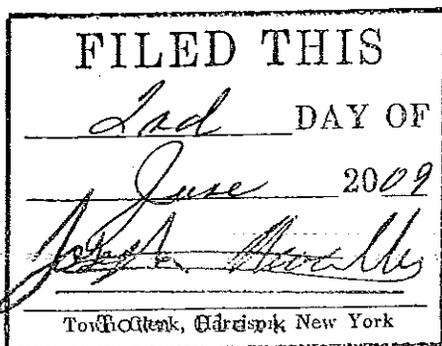
2009 - - 214

PRESENTATION BY BEN DeFONCE, RE: MEMORIAL DAY PARADE

Ben DeFonce, Harrison's Veteran's Affairs Officer addressed the Board. Mr. DeFonce stated this Monday, May 25, 2009 is Memorial Day and as such the Town of Harrison will be having its Memorial Day parade. Mr. DeFonce stated all veterans are welcome to join in commemorating the day with the residents. The parade will begin at 10am on the corner of Thatcher Avenue and Halstead Avenue. The parade will proceed to the Veteran's Building (across from St. Gregory's Church) where a gun salute will take place. The parade will continue down Halstead Avenue to the dough boy statue at Ma Riis Park where a gun salute and taps will take place. The procession will then end at the war monument in Ma Riis Park with guest speakers, including representatives from the town, the army, navy and marines.

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May 21, 2009

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS:

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to accept the following correspondence and reports:

- 1a. Monthly report from the Superintendent of Recreation for April 2009.
- 1b. Monthly Report from the Town Clerk for April 2009.
- 1c. Monthly Report from the Building Inspector for April 2009.
- 1d. Monthly Report from the Chief of Police for April 2009.
- 1e. Monthly report from the Commissioner of Public Works for April 2009, and a chart of complaints and requests for service.

2. Notification by Janet Insardi, Village Attorney for the Village of Mamaroneck, that a Public Hearing will be held on May 26, 2009, at 169 Mount Pleasant Avenue, Mamaroneck, NY, at 7:30 PM, RE: Proposed Local Law No. 7-2009, amendment to the Zoning Code/Map (Mamaroneck Train Station Rezoning) from an R-20 One-Family Residence District to a C-1 General Commercial District Zone to permit the rehabilitation and reuse of the Mamaroneck Train Station.

Adopted by the following vote:

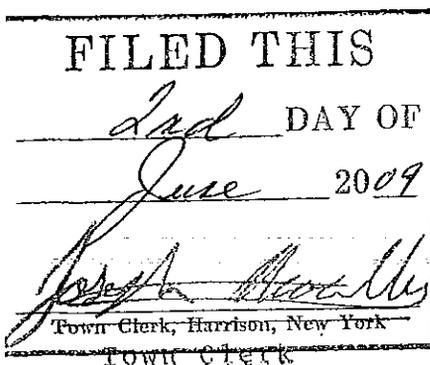
AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: Councilman Scappaticci

ABSENT: None

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May 21, 2009

2009 -- 216 -- a

CONTINUATION OF PUBLIC HEARING – RE: Brae Burn Country Club

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

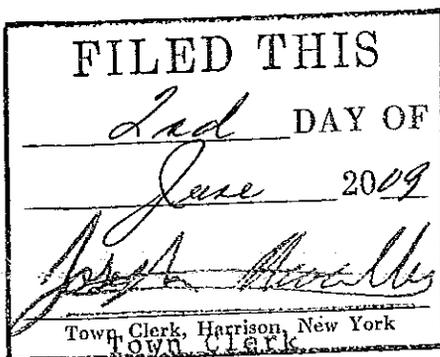
Village Attorney Robert Paladino addressed the Board. Mr. Paladino explained that the Law Department had not yet completed reviewing the application due one particular legal matter and requested the matter be adjourned to the next meeting. Mr. Paladino further stated that the applicant, Brae Burn Country Club was also in agreement.

Councilman Cannella requested that the applicant review the legal matter with the Law Department and rectify said issue by the date of the Public Hearing.

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

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May 21, 2009

2009 -- 216 -- b

ADJOURNED: PUBLIC HEARING - RE: BRAE BURN COUNTRY CLUB

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to adjourn the Public Hearing until the June 4, 2009 Town Board Meeting.

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

Adopted by the following vote:

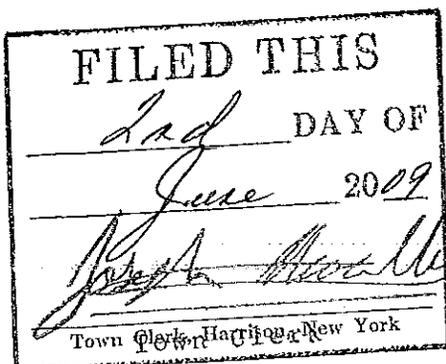
AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

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May 21, 2009

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PUBLIC HEARING – RE: SPECIAL EXCEPTION USE PERMIT FOR
A TWO FLOOR BUILDING ON LAKE STREET, BLOCK 832, LOT 3.

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

Councilman Sciliano questioned Mr. Siino as to how he intends to improve his current non-conforming structure in that area in order to alleviate the parking problem. The Councilman explained that due to Mr. Siino's non-conforming structure there are too many vehicles parking in that area which as a result are taking up space in the nearby Mintzer Center. The Councilman further explained that Mr. Siino has currently seven tenants and only four parking spaces which do not meet the standard.

Ben Sinno, applicant, addressed the Board. Mr. Siino stated there will be additional parking in the rear of the building. Mr. Siino argued that his building was not the cause of the parking problem in the area rather there is a neighbor who parks his truck all day everyday without following the 24 hour parking rule.

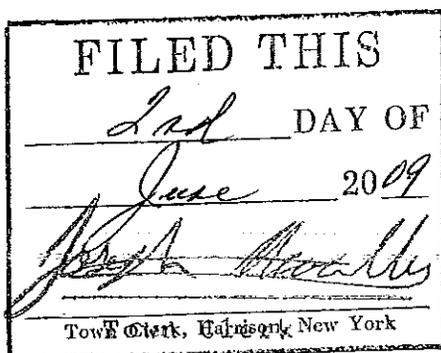
Councilman Sciliano responded by stating that only addresses one space and there are considerably more being taken.

Mr. Siino stated he will try to conform to the parking specifications.

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

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May 21, 2009

2009 -- 217 -- b

APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT FOR A TWO FLOOR BUILDING ON LAKE STREET, BLOCK 832, LOT 3

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request of Ben Paul Siino for authorization for a Special Exception Use Permit for a two floor building on Lake Street, Block 832, Lot 3, located within the NB Zoning District. As per Mr. Siino, the first floor will consist of one (1) or two (2) stores and the second floor will consist of two (2) apartments.

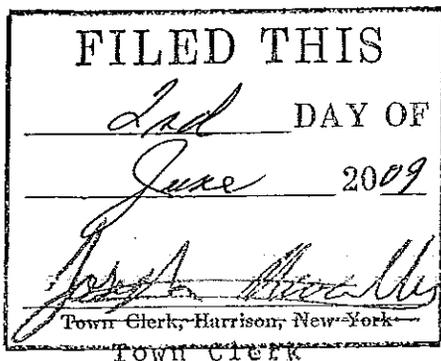
FURTHER RESOLVED to forward a copy of this Resolution to the Commissioner of Public Works, the Building Inspector and the Town Attorneys.

Adopted by the following vote:

- AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh
- NAYS: None
- ABSENT: Councilman Scappaticci

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May 21, 2009

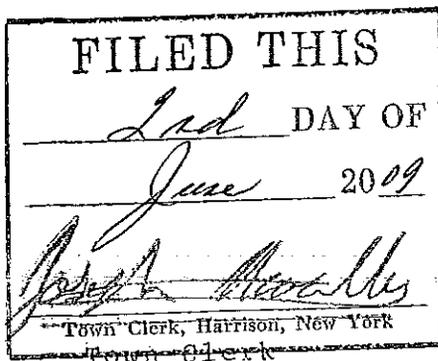
2009 - - 218 - - a

PUBLIC HEARING – RE: SPECIAL EXCEPTION USE PERMIT
RE: DEMOLITION OF THE EXISTING BUILDING AT 27 PURDY STREET
AND RECONSTRUCTION OF A THREE STORY BUILDING

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

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May 21, 2009

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APPROVAL FOR A SPECIAL EXCEPTION USE PERMIT FOR DEMOLITION
OF THE EXISTING BUILDING AT 27 PURDY STREET, AND TO
RECONSTRUCT A THREE STORY BUILDING

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request of Anthony Caligiuri for authorization for a Special Exception Use Permit re: demolition of the existing building at 27 Purdy Street, Harrison, and to reconstruct a three (3) story building with an office on the first floor and two (2) apartments on the second and third floor.

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

Adopted by the following vote:

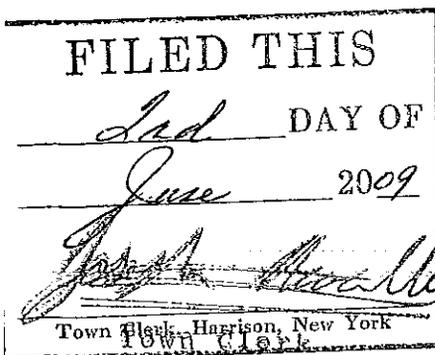
AYES: Councilman Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

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May 21, 2009

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APPROVAL FOR THE APPOINTMENT TO THE POSITION OF DIRECTORS OF
THE HARRISON HISTORICAL SOCIETY

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request of Jean Kelly, Chairperson of the Harrison Historical Society for the appointment for the following, to the position of, Directors of the Harrison Historical Society:

Mr. Robert Sherman
Mr. Robert Galante
Mr. Alan Drewry
Mr. Gregory Ricci

FURTHER RESOLVED to forward a copy of this Resolution to Ms. Kelly.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

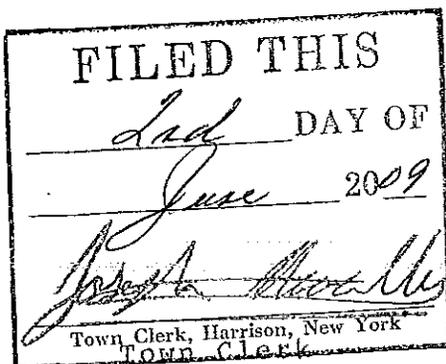
NAYS: None

ABSENT: Councilman Scappaticci

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Ms. Kelly



May 21, 2009

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APPROVAL FOR THE ADDITIONS TO THE RECREATION SUMMER
PART TIME AVAILABILITY LIST

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request by Superintendent of Recreation Ron Belmont for approval for the following additions to the Recreation Summer Part Time Availability List:

<u>NAME</u>	<u>HOURLY RATE</u>
Jason Dowd	\$ 6.00
Rose Angela Massa	6.75
Ashley Bratberg	6.00
Rachel Dunham	7.50
Christine Vecchiolla	6.00
Timberly Stephens	7.50
Shawn Caparelli (LG)	7.50
Olivia Caparelli (LG)	7.50
Bria DeGirmencioglu (LG)	8.25
Pat Stiso	6.75
Matthew Pon (LG)	8.75
Yolanda Cumming	9.50
Margaret Manning	6.75
Patricia Forrest	7.25
Julia Sages	8.25
Teddy O'Rourke	6.00
Erica DeLibero	7.75
Emma Lindsay (LG)	7.50
Caroline Burchell	6.00
Nour Nesheiwat	6.00
Rhiannon Gasparre	6.00
Michael Lynch	10.00
Joseph Papa	6.00
Kerry Shannon	6.00
Ryan Lucas Vieira	6.00
Amanda Newman	6.00
Jacob Seidman (LG)	7.50
Michael Chiarella	6.00
Ray LaLuna	8.00
Stephanie Madonia	7.50
Alex Lee	7.00

Frank LaRusso	6.75
Simonique Pearl-Edwards	7.25
Alianna Anselmi (LG)	7.50
Madeline Susa (LG)	7.50

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Superintendent of Recreation.

Adopted by the following vote:

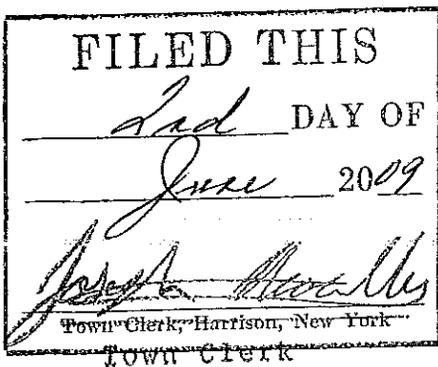
AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

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May 21, 2009

2009 - - 221

APPROVAL FOR A SPECIAL EVENTS PERMIT FOR OCC PURCHASE LLC,
LEUKEMIA SOCIETY FOR A FAMILY FUN DAY TO BENEFIT
THE LEUKEMIA SOCIETY AND THE HARRISON POLICE DEPARTMENT.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request by Robert FitzSimmons, Building Inspector, for a Special Events Permit #09-00017054, for OCC Purchase LLC, Leukemia Society, to hold a Family Fun Day to benefit the Leukemia Society and the Harrison Police Department on Saturday, May 30th, from Noon to 4PM, with a rain date of Sunday, May 31st. Admission is free.

FURTHER RESOLVED that the fee be waived.

FURTHER RESOLVED that the Certificate of Insurance is on file in the Building Department.

FURTHER RESOLVED that this event is in memory of Jerry Mariani, a Harrison resident, who lost his battle to leukemia in 1997.

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

Adopted by the following vote:

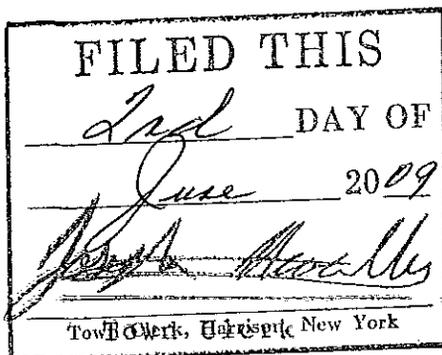
AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

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May 21, 2009

2009 - - 222

REFERRED TO THE LAW DEPARTMENT; RE: THE REQUEST BY HARRISON FIRE DEPARTMENT PRESIDENT VITO FAGA, FOR THE TOWN TO ADOPT A POLICY IN WHICH MEMBERS OF THE VOLUNTEER FIRE DEPARTMENT MAY USE ALL TOWN RECREATION FACILITIES AT NO COST.

Supervisor Walsh stated this has been discussed by the Board before and it is her recollection that it was not going to be a "blanket approval" but if the members participated in special activities then the fee would be waived if the member could prove membership.

Village Attorney Robert Paladino stated this was a matter which the law department should look into more carefully before the Board rendered a decision.

Councilman Cannella stated he did not disagree with the proposal in theory since it would help build on enrollment for each of the departments considering as to what the volunteer departments save the town in money. The Councilman stated though he believed it should not be a "blanket approval" but one in which is granted if the members could prove satisfactory membership.

The matter was referred to the law department.

On motion of Councilman Vetere, seconded by Councilman Sciliano,

it was

RESOLVED to refer to the Law Department the request by Vito Faga, President of the Harrison Fire Department, for the Town to adopt a policy in which members of the Volunteer Fire Department may use all town recreation facilities at no cost providing they are able to prove their membership in the department.

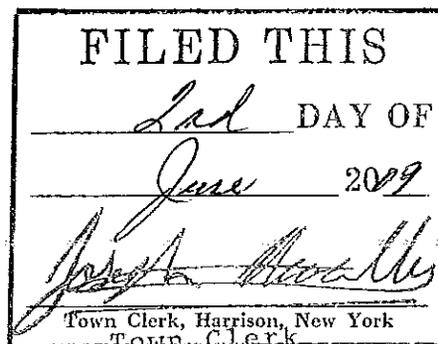
FURTHER RESOLVED to forward a copy of this Resolution to the Town Attorneys and to Mr. Faga.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci



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May 21, 2009

2009 - - 223

APPROVAL TO AMEND TBR #2009 - 167 RE: SERVICE BUS CO., INC.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request by Director of Purchasing Judy D'Agostinis to amend TBR #2009-167, rejecting the two trips for Bus Service for the Recreation Department that was awarded to Service Bus Co, Inc., and amending the Resolution as follows:

COUNTY COACH

P. O. Box 261

Rye, New York 10580

Trips within Town of Harrison	Coach Bus	\$ 550.00
	School Bus	\$ 225.00
Trips within Westchester County	Coach Bus	\$ 575.00
	School Bus	\$ 275.00
Trips to Putnam County	Coach Bus	\$ 625.00
	School Bus	\$ 300.00
Trips to Sullivan County	School Bus	\$ 475.00
Trips to Rockland County	School Bus	\$ 325.00
	Coach Bus	\$ 750.00
Trips to Nassau County	Coach Bus	\$ 750.00
	School Bus	\$ 375.00
Trips to New Jersey	Coach Bus	\$ 775.00
	School Bus	\$ 375.00
Trips to Manhattan	Coach Bus	\$ 675.00
	School Bus	\$ 350.00
Trips to other boroughs	Coach Bus	\$ 650.00
	School Bus	\$ 350.00
Trips to Shea Stadium	Coach Bus	\$ 675.00
Trips to Yankee Stadium	Coach Bus	\$ 675.00
Trips to Cooperstown, NY	Coach Bus	\$1,475.00
Trips to Connecticut	Coach Bus	\$ 650.00
	School Bus	\$ 350.00
Trips to Long Island	Coach Bus	\$ 700.00
	School Bus	\$ 375.00

J & R Tours

80 Edison Avenue

Mount Vernon, NY 10550

Trips to Sullivan County	Coach Bus	\$ 825.00
Trips to NBA Hall of Fame-MA	Coach Bus	\$ 950.00

Royal Coach Lines, Inc.
1010 Nepperhan Avenue
Yonkers, NY 10703

Trips to Nassau County	School Bus	\$ 375.00
Trips to New Jersey	School Bus	\$ 375.00
Trips to Shea Stadium	School Bus	\$ 385.00
Trips to Yankee Stadium	School Bus	\$ 350.00
Trips to Connecticut	School Bus	\$ 350.00
Trips to Cooperstown, NY	School Bus	\$ 395.00
Shuttle Buses - Full Day	School Bus	\$ 275.00

Ardsley Bus Corp., Inc.
P. O. Box 712
Elm Street
Ardsley, NY 10502

Trips to Manhattan	School Bus	\$ 350.00
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FURTHER RESOLVED to authorize the Comptroller, upon receipt of claims to audit, and upon audit the Supervisor is to pay same.

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

Adopted by the following vote:

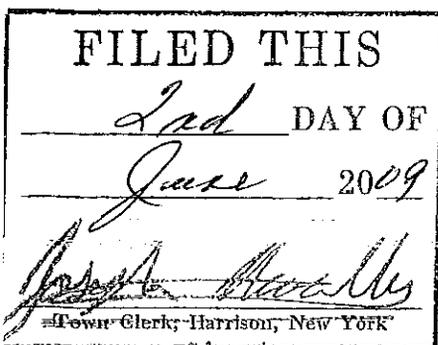
AYES: Councilmen Cannella, Vetere and Sciliano
 Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

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-



Town Clerk

May 21, 2009

2009 - - 225

APPROVAL FOR REFERRAL TO THE PLANNING BOARD – RE: PETITION FOR AN
AMENDMENT TO THE ZONING ORDINANCE OF THE TOWN OF HARRISON IN
RELATION TO THE HEIGHT REQUIREMENTS FOR LOTS IN
THE B ZONING DISTRICTS WITHIN A FLOOD ZONE.

Linda Whitehead, with the firm of McCullough, Goldberger & Staudt addressed the Board. Mrs. Whitehead explained that when FEMA amended the flood maps in the end of 2007 the result was that about 25% of the B Zone lots in town were placed in a flood zone. That has resulted in some conflicts between the towns flood regulations and FEMA's regulations and zoning regulations. The requirements set forth by these regulations is that lowest level of any part of the house has to be 2 feet above the base flood elevation and could also not bring fill into the B Zone. The result is that garages have to be 2 feet above the base flood elevation and the net result is that in order to build a two family house would be a minimum of 1200 sq ft per dwelling unit. That can no longer be accomplished in most of the current B Zone lots and still meet the height requirements of 2 ½ stories and 26 feet. Mrs. Whitehead further explained the applicants have proposed an amendment to the zoning ordinance for B Zone lots in a flood zone to increase the height requirement to 36 feet and 3 ½ stories. This would allow the same future applicant to build the same house today, it will just allow them to build it up higher but no more than the square footage allowed. Mrs. Whitehead went on to state this change in the ordinance will also help existing homes should they choose to rebuild which are currently non-conforming because of the changes, or future building on the vacant lots in the B Zone. Mrs. Whitehead requested the matter be referred to the Planning Board.

Councilman Sciliano stated the Architectural Review Board should also be involved with this matter.

On motion of Councilman Vetere, seconded by Councilman Sciliano, with all members voting in favor, the matter was referred to the Planning Board.

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- Purch'g
- Recr'tn
- Supvs'r
- X

Planning Board

FILED THIS
2nd DAY OF
June 2009
[Signature]
Town Clerk, Harrison, New York

May 21, 2009

2009 - - 226

ADJOURNED: REQUEST FOR A SPECIAL EXCEPTION USE PERMIT
RE: 55-33 CALVERT STREET

Linda Whitehead, attorney with the firm of McCullough, Goldberger & Staudt approached the podium.

Councilman Sciliano questioned if Mrs. Whitehead had spoken with the State regarding this project.

Mrs. Whitehead stated yes, the State has responded back to her via email regarding the questions about the fire code regulations and the project. Mrs. Whitehead stated the State has given the applicants a number of options to meeting the fire code. The first being the applicants could bury the overhead lines on Calvert Street which would enable Calvert Street to meet the fire apparatus road requirement.

Councilman Sciliano stated he would feel more comfortable seeing that option in writing.

Mrs. Whitehead submitted copies of the emails from the State to the Board. Mrs. Whitehead explained the applicant has to satisfy state code before they obtain a building permit. The application is not at the construction document stage as of yet and therefore, cannot get a building permit unless they meet state code. There is variety of options of meeting the state code however; the determination will be made at the construction phase before getting a building permit. Mrs. Whitehead stated the applicant is aware that one of the "last resorts" to meet the code is to bury the overhead lines because it is the most expensive.

Councilman Cannella stated it is his intention to satisfy any issues regarding the application at the Town Board level rather than designate the Building Department to handle the matter.

Councilman Sciliano agreed by stating the Fire Marshal had raised serious concerns to the Town Board about the project and as such, any matter should be resolved by the Town Board.

Fire Marshal Steve Surace addressed the Board. Mr. Surace stated he has spoken with members of the State regarding the proposed project and has a series of concerns. Mr. Surace explained putting the overhead wires underground as Mrs. Whitehead mentioned earlier would not satisfy the code requirement. If the wires were moved underground the area in front of the building would lose parking on the street as a result due to the state code which requires the fire lane to be a certain amount of feet. Mr. Surace contended this project is much too large for this area of town and also opens up other neighboring lots to build four story structures which will tower over the smaller buildings. Mr. Surace also contends that this project is in violation of the state fire code and it should have never went to the Planning Board which he contents approved the proposal on bad advice. Mr. Surace submitted to the Board copies of a response from Dan Nicol's from the State Department of Fire Code who indicates the building cannot be built as proposed.

Councilman Sciliano stated there is a question of access through town parking for the facility.

Mrs. Whitehead submitted copies of an email by the state which indicates the proposed facility had sufficient parking. Mrs. Whitehead went on to state she is troubled by Mr. Surace's statements that the proposed structure is four stories tall being that the proposal calls for a three story structure. The Zoning Board has approved this application more than once; they have found it unique and in addition, Mrs. Whitehead explained there are higher story structures on this street already. The Planning Board has spent a lengthy amount of time on this project and also believes it is a good project for the area. Mrs. Whitehead added that the applicant will not be using the back of the structure (train lot) as a staging for fire apparatus to fight a fire. The structure will have fire sprinklers in it which many of the buildings on this street do not. In addition, the parking lot on the eastbound side of the building could potentially be used for fire apparatus (fire lane) however; the town owns that land and would have to designate it as such.

Mr. Surace stated he disagreed with the recommendation to make a piece of town land a fire lane. It is Mr. Surace's recommendation to shrink the size of the building to 30ft and make it into town houses.

Councilman Cannella stated that the matter that must be considered by the Board is based on the safety. The applicant has already been granted the variances by the Planning Board and therefore, those issues should not be a matter of concern for the Town Board.

Mr. Surace stated the proposal calls for a three story building with a garage which raise the building higher than the normal three story structure that would have been normally built. Furthermore, Mr. Surace went on to state that property will only have location for a fire tower ladder to fight a fire from given the size of the structure.

Councilman Sciliano stated it would be in the best interest of the entire Board to see the proposed site before rendering a vote. Therefore, Mr. Sciliano requested the matter be put off until the June 4th Town Board meeting.

Robert FitzSimmons, Building Inspector, addressed the Board. Mr. FitzSimmons stated the Planning Board has taken advice from all the necessary parties and have rendered a decision. Mr. FitzSimmons further stated the applicants are fully aware of their obligation to meet the state code.

Maria DiMateo, resident, addressed the Board. Mrs. DiMateo stated the applicant has been granted a 42% variance on lot coverage when the standard is 50%. The applicant has also received a variance for a zero foot setback when the standard is 20 feet and also a height variance. Mrs. DiMateo questioned why with all the variances granted, would the town allow the applicant to use town property for a fire lane. Mrs. DiMateo believed the proposal has been granted too many variances and should not be built.

Lucille Held, resident, addressed the Board. Mrs. Held stated if the town owns the property next to this site then as a taxpayer, she (Mrs. Held) does not want it sold.

James Calandrucchio, Town Assessor, addressed the Board. Mr. Calandrucchio stated the property in question is not used at this time for parking and therefore, the town would not lose anything.

The matter was adjourned to the June 4th meeting until such time members of the Board can visit the proposed site.

On motion of Councilman Sciliano, seconded by Councilman Cannella,

it was

RESOLVED to adjourn the request by Attorney Linda Whitehead for approval for a Special Exception Use Permit for construction of a new building to include residential uses at 55-33 Calvert Street, Seville Plaza, until the June 4, 2009 Meeting.

FURTHER RESOLVED to forward a copy of this Resolution to the Building Inspector, the Fire Marshall, the Commissioner of Public Works, the Town Attorneys and Ms. Whitehead.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

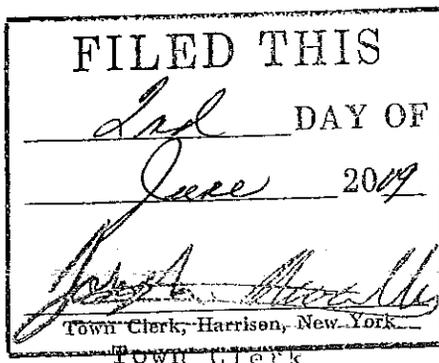
NAYS: None

ABSENT: Councilman Scappaticci

Copies to:

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

X *Ms. Whitehead*



May 21, 2009

2009 - - 227

APPROVAL TO ADOPT A RESOLUTION IN SUPPORT OF THE COLLATERAL
SOURCE LITIGATION, SENATE BILL S 4080-A AND ASSEMBLY BILL A.7504-A.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request by Supervisor Walsh for authorization to adopt the following Resolution in support of the Collateral Source Litigation currently before the Senate and Assembly. Senate Bill S4080-A and Assembly Bill A.7504-A. This proposed legislation will help protect public employers against double recoveries and will encourage settlements of claims rather than increase litigation.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

Copies to:

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

FILED THIS

Lal DAY OF

June 2009

Joseph A. Cannella
Town Clerk, Harrison, New York
TOWN CLERK

May 21, 2009

2009 - - 228

APPROVAL TO SET THE FEES FOR LOCAL LAW NO. 1 OF 2009,
"TEMPORARY STORAGE CONTAINERS".

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the Town Board to set the fees for Local Law No.1 of 2009, Chapter 208-7 "Temporary Storage Containers" as follows:

Building Department - \$75 fee for three months and \$30 for each thirty days thereafter be charged for the permit fee.

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

Adopted by the following vote:

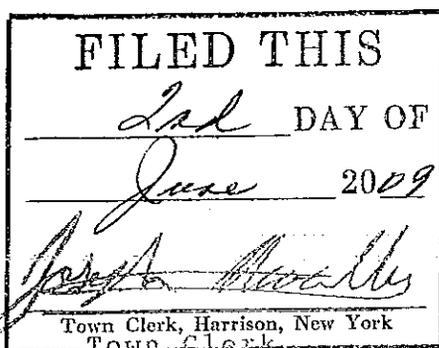
AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

Copies to:

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



May 21, 2009

2009 - - 229 - - a

DISCUSSION OF THE MS4 ANNUAL REPORT
FOR THE YEAR ENDING MARCH 9, 2009

Commissioner of Public Works Robert Wasp addressed the Board. Commissioner Wasp presented the Board with copies of the MS4 Annual Report for the year ending March 9, 2009. The Commissioner explained that the highlights of the report from the past year include:

- 1) Inventory and GIS mapping of all Stormwater outfalls
- 2) Integrated the Stormwater Permit Application into the Building Department General Form (also available on-line)
- 3) Presented a Public Education Showcase on Stormwater Management in August 2008
- 4) Conducted a pilot program that mapped Stormwater drains within a designated area of Town.

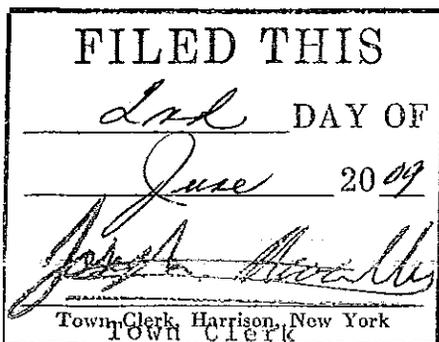
For this coming year, the Commissioner proposes the following:

- 1) Continue mapping of storm drains
- 2) Increase public awareness and education
- 3) Continue Stormwater plan review
- 4) Continue discharge inspections.

Commissioner Wasp requested the Town Board accept the report and the Supervisor be authorized to sign it.

Copies to:

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



May 21, 2009

2009 -- 229 -- b

APPROVAL FOR THE ACCEPTANCE OF THE MS4 ANNUAL REPORT
FOR THE YEAR ENDING MARCH 9, 2009

Whereas the following questions were asked with respect to Stormwater management:

Question: Does the approval of the plan come with any funding?
Answer: No it does not.

and

Question: Are there any new regulations that affect homeowners?
Answer: Under our Public Education Program, we are promoting practices that will limit Stormwater impacts.

and

Question: Is this information available on the website?
Answer: Permit process is integrated with the Building Department. All applications and regulations are available under the Building Department portion of the Town's website.

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the acceptance of the MS4 Annual Report.

FURTHER RESOLVED that the Supervisor be authorized to sign the report.

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

Adopted by the following vote:

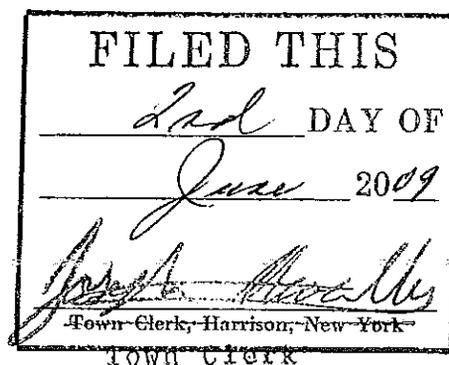
AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

Copies to:

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



Town Clerk

May 21, 2009

2009 - - 230

DISCUSSION: ROY PORTO RE: FACEBOOK

Roy Porto, resident, addressed the Board. Mr. Porto questioned what the status of the four suspended individuals is and if charges have been filed against them.

Village Attorney Robert Paladino responded by stating that this was a legal matter and no information can be released.

Supervisor Walsh read the following statement:

“After weeks of motions and appeals by the lawyers for the suspended individuals, charges were finally served on Thursday, May 14th and Friday May 15, 2009 on the four men involved in what has been called the Facebook matter. The charges were served within the 90 day period set by law.

The three police officers were required to reply to the charges in five days, no later than May 20 2009. The Code Enforcement officer, who belongs to a different union, has eight days in which to reply.

Each individual has now responded.

Since the four of them have returned their responses to the Harrison Town Attorney's office, the charges and the responses will be distributed to the members of the Town Board. The normal course of action is for the Board to meet and decide what further actions to take. The normal course of action is for the Board or its designee to set one or more dates for a hearing on the charges.

The Board may elect to hear the charges themselves or to appoint a third party hearing officer to hear the charges. The hearing is similar to a trial where the Town will present the charges and the individuals have the opportunity to defend themselves.

Once the hearing is concluded, there would be a finding of guilt or innocence as to the charges. If found not-guilty, the charges would be dismissed. However, if the defendant is found guilty, the Board would then decide on the proper disciplinary action to take, which could range from a suspension to termination.

Under advice of counsel, I have limited my public comments on this matter. I did not want any of my words to be used in any legal actions these men might take.

Since I was the target of many of their comments, many people believed that I could not be impartial.

Notwithstanding this, I want it made clear that until this incident, I did not know these three

police officers and I would not have recognized them if they stood in front of me. The Code Enforcement Officer's office is in the same building as my office – but any contact was casual and related to business.

Nevertheless, they chose to make me their target. Their comments were lewd and malicious, and certainly not in keeping with the standards we expect of our police officers, indeed the standards that are expected of any police officer in any police department. Their comments about minorities, other nationalities and women all call into question their professionalism, and showcase their biases.

However, now that the initial legal maneuvering is over, the charges have been served and answers received, I am free to say in public what I have been saying in private to the other Town Board members and the Police Chief.

These individuals have been suspended with pay for almost 90 days. This is a legal requirement which the Board has complied with. However, at this stage the Board has the authority to change these suspensions to without pay until the hearings are over and decisions are reached.

Now, it is time to let this matter proceed on the quickest course possible. You know some of what was written. I know most of what was written. The four know exactly what they wrote.

In the business world, their words would be grounds for dismissal.

The standard for municipal employees should be no less. There is a Supreme Court decision from 2006 which stated: Public employees who occupy a position of public trust can undermine that trust through off-duty conduct that raises sufficiently serious doubts about their integrity or judgment. It is now up to the other members of this Town Board to uphold this standard.

I have privately said to the Board and the Police Chief, and I now say it publicly, that I believe that all four should be fired. In private industry, that would have happened within the hour the Facebook comments became public. However, because of the unions involved and labor contracts, there are legal procedures that have to be followed.

I am recusing myself from sitting on the Board that will sit as their Judge and Jury, since in my opinion based on their words and actions...the only responsible decision the Board can or should make is to fire all four of the individuals involved.

However, as the Chief Executive Officer of the Town/Village, I am not obligated to recuse myself from taking the necessary steps to ensure that the citizens and taxpayers of Harrison are not required to continue to pay the salaries of these four individuals when we are not legally obligated to do so.

Therefore, I move to change the suspensions for these four individuals, to being suspended immediately without pay.”

On motion of Councilman Vetere, seconded by Supervisor Walsh,

it was

MOVED that Police Officers Richard Light, Michael DiLauria, Frank Massaro and Code Enforcement Officer Edward DiBuono be suspended without pay effective immediately.

Councilman Sciliano stated he was not going to be "blindsided" by what had just occurred and was not prepared to vote on this matter without advice of counsel.

Supervisor Walsh stated she would like to have a vote on the matter and is asking the remaining two members present to support the motion.

Councilman Cannella stated in his seven year history on this Board this is probably the toughest situation he has had to face. The matter is being handled in executive session, charges have been filed and the Board is receiving advice from various counsels. With that said, the Board is trying to reach a decision that will be the best one possible without making any rush decision. Councilman Cannella stated to the Supervisor that she should have given the Board notice of her intentions this evening so that they could have met with counsel at some point.

Supervisor Walsh responded by stating that she has been patient and as a member of the Board she has the right to a Resolution.

Councilman Cannella stated he was not prepared to vote on this matter at this time.

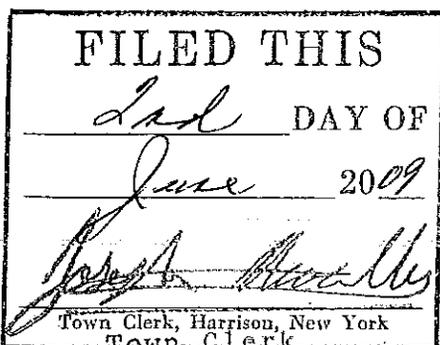
Ralph Tancredi, resident, stated that if the Board suspends a police officer without pay the Board has 30 days to either reinstate them or terminate them.

Supervisor Walsh corrected Mr. Tancredi by stating there is no longer a 30 day window because charges have been filed against the individuals.

Mr. Porto stated the motion only suspends the individuals without pay, it does not fire them. Mr. Porto questioned why the Board wants to keep paying these individuals.

Copies to:

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



May 21, 2009

2009 - - 231

MATTERS FOR EXECUTIVE SESSION:

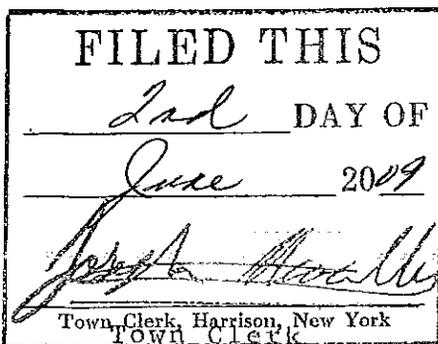
Personnel 1
Litigation 2
Real Estate 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed at 10:33 PM

On motion duly made and seconded,
with all members voting in favor,
the Meeting was re-convened at 12:12 AM on May 22, 2009

Copies to:

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



May 21, 2009

2009 - - 232

AUTHORIZATION TO AMEND THE CONTRACT WITH
JOHN MEYERS CONSULTING, TO RAISE THE AMOUNT TO \$20,000.
RE: TOWN PROPERTY ON OLD ORCHARD STREET

On motion of Councilman Vetere, seconded by Supervisor Walsh,

it was

RESOLVED to amend the contract with John Meyers Consulting, raising the amount to \$20,000 for town property on Old Orchard Street.

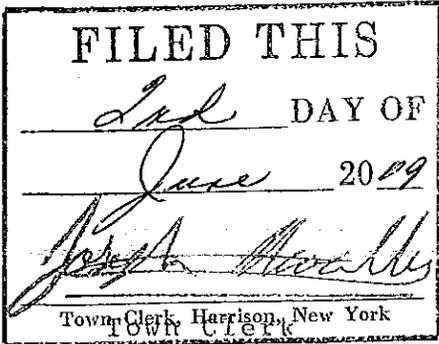
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Town Attorneys.

Adopted by the following vote:

- AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh
- NAYS: None
- ABSENT: Councilman Scappaticci

Copies to:

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



May 21, 2009

2009 - - 233

AUTHORIZATION TO AMEND TBR 2007-160, INCREASING THE APPRAISAL OF
THE WILLOW RIDGE COUNTRY CLUB TO \$12,500.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to amend TBR 2007 – 160, to increase the appraisal fee of the Willow Ridge Country Club to \$12,500.

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

Adopted by the following vote:

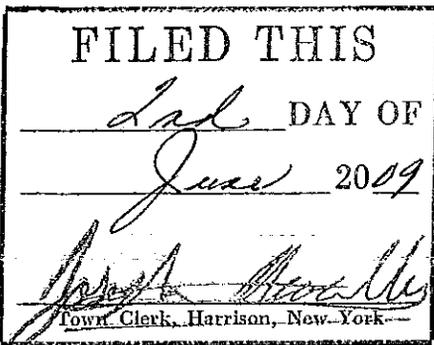
AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

Copies to:

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



Town Clerk

May 21, 2009

2009 - - 234

AUTHORIZATION TO RAISE THE CAP ON LEGAL FEES
RE: DUFFELMEYER v TOWN OF HARRISON, \$75,000

On motion of Councilman Cannella, seconded by Supervisor Walsh,

it was

RESOLVED to raise the cap on legal fees in the matter of Duffelmeyer v Town of Harrison to \$75,000.

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 and Sciliano
Supervisor Walsh

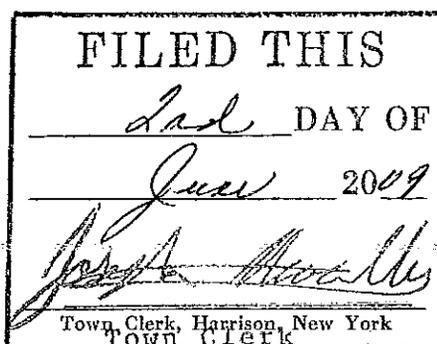
NAYS: None

ABSENT: Councilman Scappaticci

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 12:14 AM on May 22, 2009.

Respectfully submitted,

Joseph Acocella
Town Clerk



Copies to:

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

May 21, 2009

2009 - - 223 (corrected)

APPROVAL TO AMEND TBR #2009 – 167 RE: SERVICE BUS CO., INC.

** Due to the fact the previous bid did not meet the 80% or higher rating from the Department of Transportation which was required in the original specifications, the bid needed to be amended.*

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request by Director of Purchasing Judy D'Agostinis to amend TBR #2009-167, rejecting the two trips for Bus Service for the Recreation Department that was awarded to Service Bus Co, Inc., and amending the Resolution as follows:

COUNTY COACH

P. O. Box 261

Rye, New York 10580

Trips within Town of Harrison	Coach Bus	\$ 550.00
	School Bus	\$ 225.00
Trips within Westchester County	Coach Bus	\$ 575.00
	School Bus	\$ 275.00
Trips to Putnam County	Coach Bus	\$ 625.00
	School Bus	\$ 300.00
Trips to Sullivan County	School Bus	\$ 475.00
Trips to Rockland County	School Bus	\$ 325.00
	Coach Bus	\$ 750.00
Trips to Nassau County	Coach Bus	\$ 750.00
	School Bus	\$ 375.00
Trips to New Jersey	Coach Bus	\$ 775.00
	School Bus	\$ 375.00
Trips to Manhattan	Coach Bus	\$ 675.00
	School Bus	\$ 350.00
Trips to other boroughs	Coach Bus	\$ 650.00
	School Bus	\$ 350.00
Trips to Shea Stadium	Coach Bus	\$ 675.00
Trips to Yankee Stadium	Coach Bus	\$ 675.00
Trips to Cooperstown, NY	Coach Bus	\$1,475.00
Trips to Connecticut	Coach Bus	\$ 650.00
	School Bus	\$ 350.00
Trips to Long Island	Coach Bus	\$ 700.00
	School Bus	\$ 375.00

J & R Tours

80 Edison Avenue
Mount Vernon, NY 10550

Trips to Sullivan County	Coach Bus	\$ 825.00
Trips to NBA Hall of Fame-MA	Coach Bus	\$ 950.00

Royal Coach Lines, Inc.
1010 Nepperhan Avenue
Yonkers, NY 10703

Trips to Nassau County	School Bus	\$ 375.00
Trips to New Jersey	School Bus	\$ 375.00
Trips to Shea Stadium	School Bus	\$ 385.00
Trips to Yankee Stadium	School Bus	\$ 350.00
Trips to Connecticut	School Bus	\$ 350.00
Trips to Cooperstown, NY	School Bus	\$ 395.00
Shuttle Buses - Full Day	School Bus	\$ 275.00

Ardsley Bus Corp., Inc.
P. O. Box 712
Elm Street
Ardsley, NY 10502

Trips to Manhattan	School Bus	\$ 350.00
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FURTHER RESOLVED to authorize the Comptroller, upon receipt of claims to audit, and upon audit the Supervisor is to pay same.

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

Adopted by the following vote:

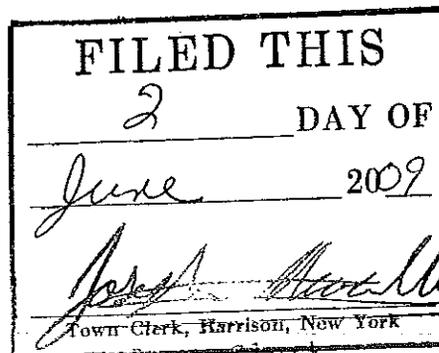
AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci

Copies to:

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



May 21, 2009

2009 - - 223 (corrected)

APPROVAL TO AMEND TBR #2009 – 167 RE: SERVICE BUS CO., INC.

** Due to the fact the previous bid did not meet the 80% or higher rating from the Department of Transportation which was required in the original specifications, the bid needed to be amended.*

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request by Director of Purchasing Judy D'Agostinis to amend TBR #2009-167, rejecting the two trips for Bus Service for the Recreation Department that was awarded to Service Bus Co, Inc., and amending the Resolution as follows:

COUNTY COACH

P. O. Box 261

Rye, New York 10580

Trips within Town of Harrison	Coach Bus	\$ 550.00
	School Bus	\$ 225.00
Trips within Westchester County	Coach Bus	\$ 575.00
	School Bus	\$ 275.00
Trips to Putnam County	Coach Bus	\$ 625.00
	School Bus	\$ 300.00
Trips to Sullivan County	School Bus	\$ 475.00
Trips to Rockland County	School Bus	\$ 325.00
	Coach Bus	\$ 750.00
Trips to Nassau County	Coach Bus	\$ 750.00
	School Bus	\$ 375.00
Trips to New Jersey	Coach Bus	\$ 775.00
	School Bus	\$ 375.00
Trips to Manhattan	Coach Bus	\$ 675.00
	School Bus	\$ 350.00
Trips to other boroughs	Coach Bus	\$ 650.00
	School Bus	\$ 350.00
Trips to Shea Stadium	Coach Bus	\$ 675.00
Trips to Yankee Stadium	Coach Bus	\$ 675.00
Trips to Cooperstown, NY	Coach Bus	\$1,475.00
Trips to Connecticut	Coach Bus	\$ 650.00
	School Bus	\$ 350.00
Trips to Long Island	Coach Bus	\$ 700.00
	School Bus	\$ 375.00

J & R Tours

**80 Edison Avenue
Mount Vernon, NY 10550**

Trips to Sullivan County	Coach Bus	\$ 825.00
Trips to NBA Hall of Fame-MA	Coach Bus	\$ 950.00

**Royal Coach Lines, Inc.
1010 Nepperhan Avenue
Yonkers, NY 10703**

Trips to Nassau County	School Bus	\$ 375.00
Trips to New Jersey	School Bus	\$ 375.00
Trips to Shea Stadium	School Bus	\$ 385.00
Trips to Yankee Stadium	School Bus	\$ 350.00
Trips to Connecticut	School Bus	\$ 350.00
Trips to Cooperstown, NY	School Bus	\$ 395.00
Shuttle Buses - Full Day	School Bus	\$ 275.00

**Ardsley Bus Corp., Inc.
P. O. Box 712
Elm Street
Ardsley, NY 10502**

Trips to Manhattan	School Bus	\$ 350.00
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FURTHER RESOLVED to authorize the Comptroller, upon receipt of claims to audit, and upon audit the Supervisor is to pay same.

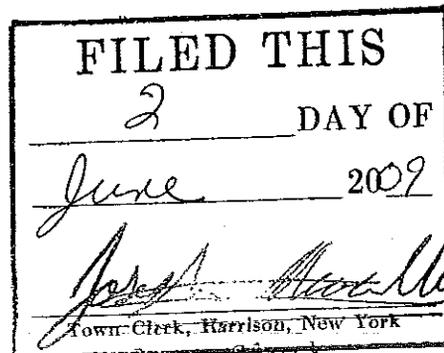
FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Superintendent of Recreation and the Director of Purchasing.

Adopted by the following vote:

AYES: Councilmen Cannella, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: Councilman Scappaticci



Copies to:

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