

March 5, 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 5th day of March at 7:30 PM, Eastern Standard Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Joan B. Walsh Supervisor

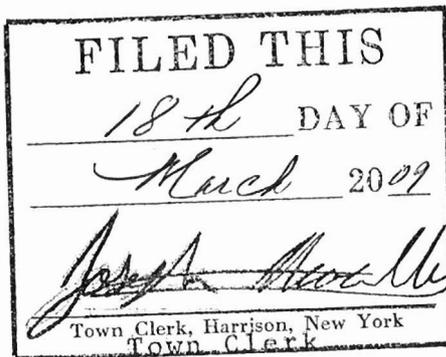
Joseph Cannella)
Patrick Vetere)Councilmen
Thomas Scappaticci)
Fred Sciliano)

ALSO ATTENDING:

Frank Allegretti Town Attorney
Fred Castiglia Deputy Town Attorney
Robert Paladino..... Village Attorney
Jonathan Kraut Deputy Village Attorney
David Hall Chief of Police
Robert Wasp Commissioner of Public Works
Bob FitzSimmons..... Building Inspector
Ron Belmont Superintendent of Recreation
James Calandrucchio Assessor

Copies to:

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



March 5, 2009

2009 - - 093

APPROVAL FOR A NINE MONTH EXTENSION TO APPLY FOR
A BUILDING PERMIT RE: 4 & 1 RED OAK LANE

Seth Mandelbaum, attorney with law firm of McCullough Goldberger & Staudt addressed the Board. Mr. Mandelbaum stated he was here this evening in reference to an application which was approved by the Town Board in December of 2008 at 4 Red Oak Lane as well as 1 Red Oak Lane. Mr. Mandelbaum stated the approval was for the construction of a bump out of an existing cafeteria in the office space. The bump out would be located underneath a parking garage. The current Town Code requires the applicant to have applied for a building permit within 90 days of December 19, 2008 which falls 1 day before the next scheduled Town Board meeting (March 19, 2009). The applicants are not currently prepared to do this construction and therefore are requesting from the Town Board a nine month extension to apply for the building permit to do the work.

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to grant the tenants of 1 Red Oak Lane as well as 4 Red Oak Lane a nine (9) month extension to apply for a building permit for work on the facility located in the Town of Harrison.

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

Adopted by the following vote:

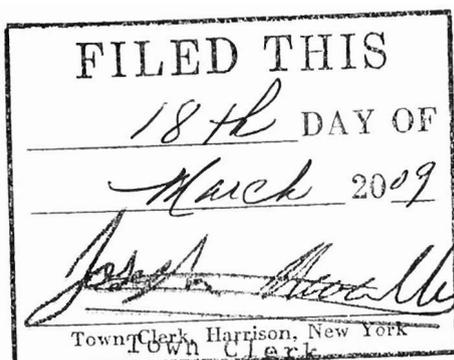
AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
- Comptroller
- Engng
- Law
- Police
- P. Works
- Purchg
- Rec'n
- Supervisor
-



March 5, 2009

2009 - - 094

DISCUSSION: RE: LANDLORD REGISTRY

Robert FitzSimmons, Building Inspector, for the Town of Harrison addressed the Board. Mr. FitzSimmons stated his Department is proposing a Landlord Registry in the Town of Harrison which is something that has been adopted similarly in other municipalities. The premise behind the registry is for the Building Department to be able to have contact information for the absentee property owners and corporations. Contact information is needed to deliver service notices as well as court documents to the responsible parties.

Councilman Scappaticci questioned how many two family properties are there in the Town of Harrison.

Mr. FitzSimmons responded approximately 3500.

Councilman Scappaticci questioned how the Building Department was going to be able to process the approximate 3500 records when the Building Department is already inundated with work.

Mr. FitzSimmons stated his clerical staff could process the requests.

Councilman Scappaticci addressed the following points:

- Why is the proposal requiring the household/building to register every 11 months along with an \$11 fee? Why does the \$11 not just be incorporated into the taxes?
- The homes are registered with the County already which is something that is done at the time of the closing.
- He questioned if the two family house has all the same family living in it is it considered one family.
- Why an owner of a condo does not need to register.
- The registration is not user-friendly because it asks for information that the property owner does not have immediate access to.

Supervisor Walsh stated there are no addresses.

Councilman Scappaticci disagreed and stated there has to be an address for the owners of the property.

Assessor James Calandruccio stated that sometimes when the corporation moves they do not re-register with the county.

Councilman Sciliano questioned what the percentage of corporations there were in town to two family houses.

Mr. FitzSimmons stated not that many.

Councilman Sciliano stated he was opposed to this although he was in favor of seeing an end to illegal housing. The Councilman continued by stating this was putting an undue burden on the taxpayers of two family residences as well as the Building Department.

Mr. FitzSimmons stated the owners of the condo do not need to register because the condo has a management company who already has the contact information of the owners.

Councilman Cannella stated he was in favor of doing anything possible to put an end to illegal housing. However, he agreed with Councilmen Scappaticci and Sciliano that this is an unfair burden to the taxpayers to have to register every 11 months. The Councilman questioned with respect to a corporation in the State of New York, there is a service of process through the Secretary of State. Can a service of process for an illegal housing be handled through the NYS Secretary of State if the corporation owns the property?

Town Attorney Frank Allegretti stated yes.

Councilman Cannella stated as a practical matter the Town can serve the corporate owner of an apartment through the Secretary of State. Councilman Cannella stated he could possibly see the initial registration and attestation of how many housing units there are within the town. The Councilman went on to state it is his position that the town should create an initial registry without the burden of requiring the owners to keep registering every year but a registry that allows the town to gain jurisdiction in order to prosecute people who live out of town who potentially own locations within town that have building violations without personal service. The owner should re-register anytime the property changes owners or there is a change in condition to the property.

Councilman Scappaticci stated he was still not in favor of this proposal and questioned why a fee of \$50 is being charged to the owners.

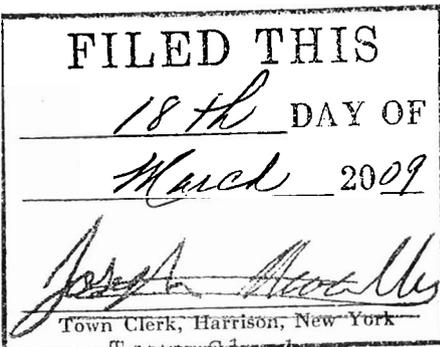
Councilman Cannella stated he was in support of the proposal because it enabled the town to gain jurisdiction over the owners of the property who do not live in town. However, he was opposed to the fee of \$50 because he would not charge people to help the town enforce the law.

Supervisor Walsh stated she was in favor of the proposal.

Councilman Vetere stated he supported the proposal and felt the fee of \$50 should be charged to the owners.

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- Supvs'r



March 5, 2009

2009 - - 095

PROPOSED LOCAL LAW: RE: TEMPORARY STORAGE CONTAINERS

Councilman Cannella questioned how big of a problem this is in the town and how long the containers usually stay on the property.

Supervisor Walsh stated the containers have been multiplying around the town and for lengthy periods of time.

Councilman Sciliano stated that usually the containers are the PODS and they are extremely helpful for the residents while they undergo construction on their homes. Some households use the PODS as general storage year round for various items.

A discussion ensued regarding the fees for the proposed regulation.

Councilman Sciliano stated he felt the resident should not be charged for construction containers because they already are paying for a Building permit and construction for their homes.

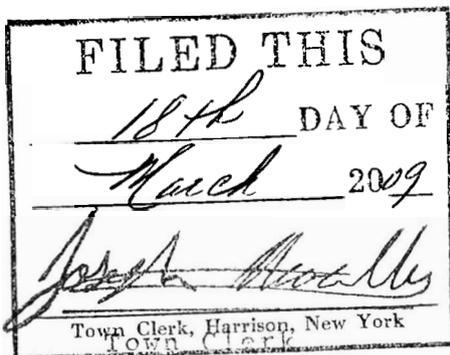
Commissioner of Public Works Robert Wasp believed garbage containers should not be included.

Deputy Village Attorney Jonathan Kraut stated the regulation would be beneficial if it only applied to storage containers at this time.

The matter was tabled until the first meeting in April.

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March 5, 2009

2009 - - 096

DISCUSSION: RE: TOWING CHARGES

Supervisor Walsh stated the town has received numerous complaints about the tow charges in the town from the on duty tow companies. The Supervisor explained that individuals are being charged different fees for towing depending on the situation. The Supervisor went on further to state that in one instance, an individual who needed a tow was told by the tow company what the charge would be. When the individual objected, the tow operator threatened to raise the fee. The individual who needed the tow threatened to call the Mayor to which the tow operator stated the fee would be raised again if the complaint was made. The Supervisor stated because the town has received numerous complaints regarding this issue the proposed law is being brought forward by the Police Department.

Sergeant Michael Olsey of the Harrison Police Department addressed the Board. Sgt. Olsey stated the Police Department has learned that the Chief has received a hand full of complaints surrounding this issue and therefore the Police Department is bringing forward the proposed law. Sgt. Olsey explained the Police Department has looked at other municipalities and they each structure the tow fees differently. Some municipalities structure the fee through a Town Board Resolution.

Deputy Village Attorney Jonathan Kraut gave a brief history on the subject of the various problems with the tow charges within the town. Mr. Kraut recommended bringing the fee out to bid with minimum requirements. In order to accept more than one company the town can establish zones within the town. Mr. Kraut went on to state that a definitive solution would be to establish a licensing of tow operator companies in the town and as a licensing requirement, the tow company must visibly post their process.

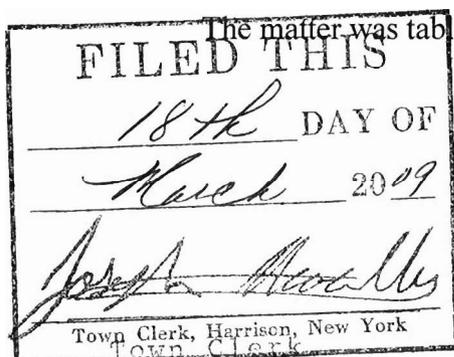
Councilman Cannella questioned if the town can set a range of allowable prices as a condition for issuing a license.

Mr. Kraut stated the Law Department would have to review that further.

Chief of Police David Hall stated this matter must be addressed immediately. The Chief went on to state he has met with many of tow company owners to determine a set fee schedule. The Chief added that another problem is that the tow company charges per day plus storage fees and they are not open on the weekend. Therefore, the individual cannot get their car until at least Monday but they are still being charged. Copies to:

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The matter was tabled to the second meeting in April.



March 5, 2009

2009 - - 097

DISCUSSION:

RE: LOCAL LAW SECTION 235-39
PRIVATE GARAGES AND OFF STREET PARKING

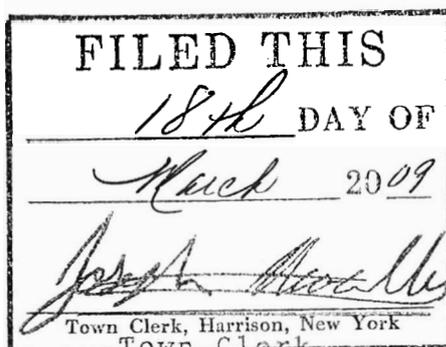
Supervisor Walsh stated the Town Board cannot determine the best way to write the new law that would be fair to everyone because there are so many various sized and type of vehicles. Therefore the proposed law will be put off until such time as the Board can find other solutions.

Councilman Scappaticci stated he has received feedback from residents (many of which are gardeners) who advised him they don't care how much the truck weighs as long as it fits in a recommended footprint of 8ft high and 21ft long, (11ft for the bed and 10ft for the cab). They (the gardeners) also suggested the town charge a \$100 register fee for the truck to be at the location and want to make sure the trucks are in owner occupied buildings.

Supervisor Walsh stated the Board can adopt a bare minimum policy but she will need a few weeks to circulate the proposed policy to the Board in advance.

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March 5, 2009

2009 - - 098
TOWN VEHICLE USE POLICY

The Board received a red line copy of the proposed policy. A discussion ensued regarding various parts of the red line copy.

Deputy Attorney Jonathan Kraut stated the red line copy was created by the Town Attorneys to add the substantive changes to the policy.

Councilman Scappaticci stated he felt the section limiting the number of miles the employee travels should be eliminated because in some instances, the employee lives outside of the maximum distance allowed.

Supervisor Walsh stated the section was put in to limit the employees from using the car to travel outside of town for personal business.

Councilman Scappaticci stated in order to solve this problem there should be a section stating the car is not be used for personal use.

Councilman Cannella stated he believed the miles limitation should be included unless the person who has the vehicles receives express written permission to go outside the mileage.

The Board engaged in a lengthy discussion regarding the proposed language in the new policy.

Changes were made to the following sections:

*Section III, Section IV, Section V, Section VII, Section VIII, Section IX, Section X
Section XI and Section XIV.*

The Supervisor stated she made the following list of proposed employees who she believes should only receive a vehicle:

Town Assessor

Deputy Assessor

Town Engineer

Assistant Town Engineer

Three (3) Assistant Building Inspectors

Building Inspector

Code Enforcement Officer

Fire Marshal

Commissioner of Public Works

Deputy Commissioner of Public Works

Manager of the Parks Department

Manager of the Highway Department

Manager of General Town Buildings

Superintendent of Recreation

Police Captain

Police K9 Officers

Supervisor Walsh stated Councilman Scappaticci added the Police Lieutenants to the list.

Councilman Cannella added the Assistant Superintendent of Recreation to the list. Councilman Cannella questioned Commissioner Wasp if there any other members of his department who need their vehicles.

Commissioner Wasp asked the Board to consider giving the two Parks Foreman (General Town Buildings and Parks) in addition to the Parks Department Manager vehicles. The Commissioner added that both individuals responded thirty times each last year.

Supervisor Walsh questioned why these employees cannot use their own car.

Commissioner Wasp asked if the employees would get reimbursed.

Supervisor Walsh responded yes, they will be reimbursed for mileage at the IRS rate.

Councilman Cannella stated he was in favor of eliminating three (3) out of four (4) Assistant Building Inspectors as well as the Deputy Assessor's car.

Mr. Kraut questioned where these individuals are going to park there personal cars now during the day being that currently, there is a parking crunch at Town Hall.

Chief Hall stated the Police Lieutenants (3) get called out frequently especially in the evening. The Chief went on to state the Detective Sergeant was not included on the list and he needs to have his car.

Roy Porto, resident, addressed the Board. Mr. Porto raised the following points:

- There should be no other individual allowed in the car
- There should be a limit on how far the employee can travel with the car
- The Police Department should run a license check on every employee driving a vehicle to ensure they have no traffic violations.
- Mr. Porto went through the list of employees getting vehicles line by line.

A discussion ensued regarding how many cars will be used after this policy is adopted.

22 cars will be utilized as a result.

Mr. Porto stated he was afraid the Board was going to add all of the cars back in the next few weeks after the town realizes' they do not have a location to park the extra vehicles.

Commissioner Wasp stated his record shows they have eliminated 12 vehicles therefore; he now needs to find a location to park the vehicles.

Jimmi Pritchard, resident, addressed the Board. Mrs. Pritchard questioned how much money the town will save on gasoline because of this policy change.

Councilman Cannella responded Commissioner Wasp found the aggregate per person was \$500 per year.

Mrs. Pritchard stated that sounds very low.

Councilman Cannella stated in reality, the town has not saved on anything else.

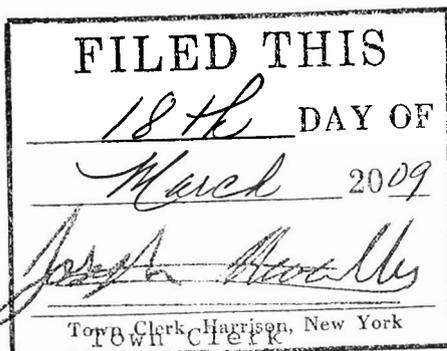
Mrs. Pritchard questioned if there is anyway to monitor the gasoline usage.

Commissioner Wasp stated the gas pumps have monitors on them and each employee gets a pin number. All gasoline usage and mileage is monitored and recorded.

The matter was tabled until the first meeting in April in order to draw up the final version.

Copies to:

- Assessor
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- Supvs'r



March 5, 2009

2009 - - 099

DISCUSSION: RE: BURGLAR ALARM FEES

Supervisor Walsh stated this year the fees for the burglar alarms were doubled. The Supervisor believed at the work session of the Board a few months ago it was decided that instead of one free false alarm it would be raised to two.

The Chief had no objection.

Roy Porto, resident, addressed the Board. Mr. Porto stated Harrison now has the highest fee for burglar alarms in the state.

On motion of Supervisor Walsh, seconded by Councilman Cannella,

it was

RESOLVED to raise the amount of free false alarms permitted in the town from one (1) to two (2).

FURTHER RESOLVED to forward this Resolution to the Chief of Police and the Town Attorneys.

Adopted by the following vote:

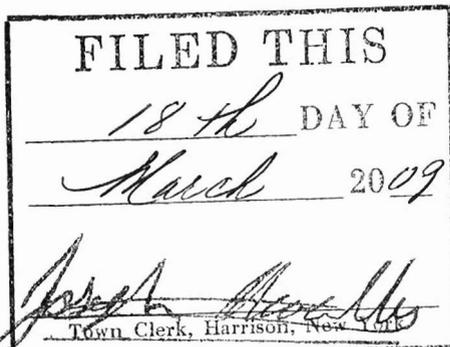
AYES: Councilmen Cannella, Vetere, Scappaticci and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



Town Clerk

March 5, 2009

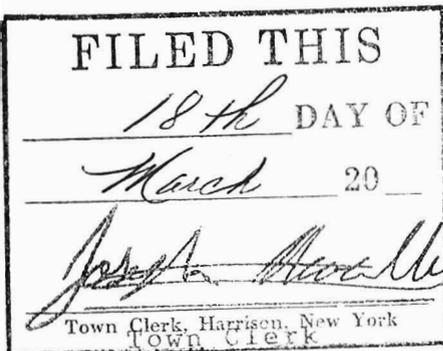
2009 - - 100

UPDATE RE: VERIZON NEGOTIATIONS

Village Attorney Robert Paladino stated he has received a phone call from Verizon negotiator to discuss the Verizon Franchise Agreement.

Copies to:

- Assessor
- Benefits
- Bldg
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March 5, 2009

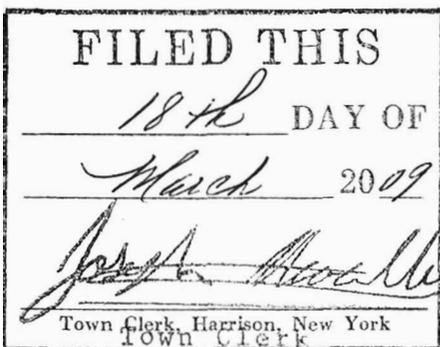
2009 - - 101

COMMISSIONER OF PUBLIC WORKS ROBERT WASP
COMMENDING THE HIGHWAY DEPARTMENT.

Commissioner of Public Works Robert Wasp commended the members of the Highway Department for a job well done on the recent snow storm. Commissioner Wasp received numerous phone calls praising the work of the employees on clearing the roads.

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March 5, 2009

2009 - - 102

MATTERS FOR EXECUTIVE SESSION

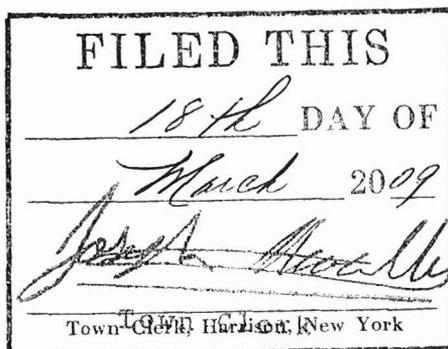
Personnel 6
Advice of counsel 2
Settlement of claim 1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed at 9:54 PM

On motion duly made and seconded,
with all members voting in favor,
the Meeting was re-convened at 11 PM

Copies to:

- Assessor
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- Compt'lr
- Engrng
- Law
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- P. Wrks
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- Recr'tn
- Supvs'r
-



March 5, 2009

2009 - - 103

AUTHORIZATION TO RE-CLASSIFY, AT HER REQUEST, ROXANNE DREW,
FROM DETECTIVE TO POLICE OFFICER

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to re-classify, at her request, Roxanne Drew, from Detective to Police Officer, effective March 6, 2009, at the annual salary of \$89,986,

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

Adopted by the following vote:

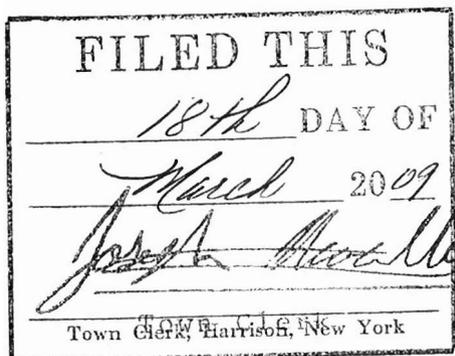
AYES: Councilmen Cannella, Scappaticci, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

- Assessor
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- Compt'lr
- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'tn
- Supvs'r
- Roxanne Drew*



March 5, 2009

2009 -- 104

AUTHORIZATION TO RE-CLASSIFY, AT HIS REQUEST, JAMES MCQUADE,
FROM DETECTIVE TO POLICE OFFICER

On motion of Councilman Scappaticci, seconded by Councilman Sciliano,

it was

RESOLVED to re-classify, at his request, James McQuade, from Detective to Police Officer, effective March 6, 2009, at the annual salary of \$89,986.

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

Adopted by the following vote:

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

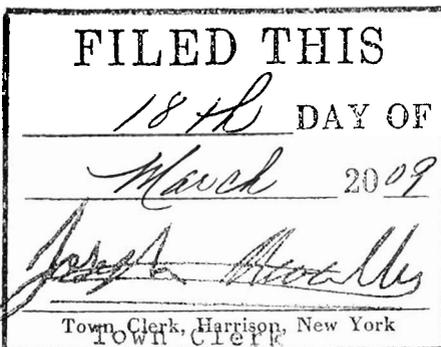
NAYS: None

ABSENT: None

Copies to:

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

Mc. McQuade



March 5, 2009

2009 - - 105

APPOINTMENT OF POLICE OFFICER CHARLES MASCALI TO
THE POSITION OF DETECTIVE

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to appoint Police Officer Charles Mascali to the position of Detective, effective March 6, 2009, at an annual salary of \$98,985.

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

Adopted by the following vote:

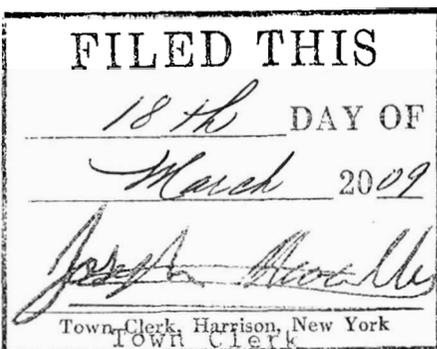
AYES: Councilmen Cannella, Scappaticci and Sciliano

NAYS: Councilman Vetere and Supervisor Walsh

ABSENT: None

Copies to:

- Assessor
- Benefits
- Bldg
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- Engng
- Law
- Police
- P. Works
- Purchg
- Recruit
- Supvsn
- _____



Mr. Mascali

March 5, 2009

2009 - - 106

APPOINTMENT OF POLICE OFFICER RALPH FORGIONE TO
THE POSITION OF DETECTIVE

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to appoint Police Officer Ralph Forgione to the position of Detective, effective March 6, 2009, at an annual salary of, at an annual salary of \$98,985.

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

Adopted by the following vote:

AYES: Councilmen Cannella, Scappaticci and Sciliano

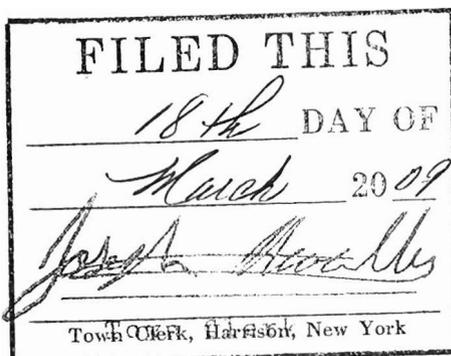
NAYS: Councilman Vetere and Supervisor Walsh

ABSENT: None

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- Purch'g
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- Supvs'r

Mr. Forgione



March 5, 2009

2009 - - 107

AUTHORIZATION FOR THE LAW DEPARTMENT TO EXECUTE A
CONSULTANT AGREEMENT WITH DOMINICK PASCALE FOR WORK AT
THE HARRISON POLICE DEPARTMENT

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Law Department to execute a Consultant Agreement with Dominick Pascale for work at the Harrison Police Department, at an amount not to exceed \$6,000.

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

Adopted by the following vote:

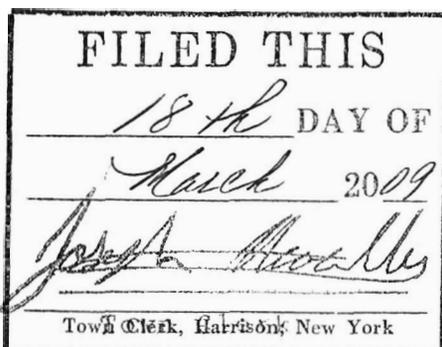
AYES: Councilmen Cannella, Scappaticci and Sciliano
Supervisor Walsh

NAYS: Councilman Vetere

ABSENT: None

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- Law
- Police
- P. Works
- Purchg
- Rec'n
- Supvs'r
- Mr. Pascale*



March 5, 2009

2009 - - 108

APPROVAL TO RESCIND TBR #2009-089 RELATED TO
CHRISTOPHER COLASACCO INVOLVING NO CHARGE IN SICK TIME

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to rescind TBR #2009-089 related to Christopher Colasacco involving no charge in sick time.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager, the Commissioner of Public Works and Mr. Colasacco.

Adopted by the following vote:

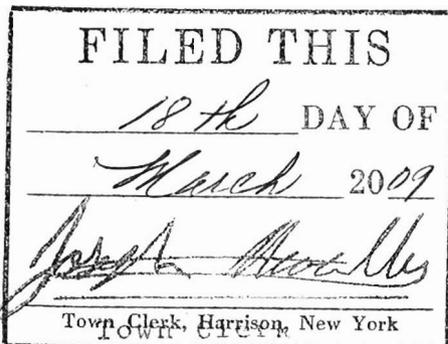
AYES: Councilmen Cannella, Scappaticci, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

Assessor
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 Law
 Police
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 Purch'g
 Recr'tn
 Supvs'r



March 5, 2009

2009 - -109

APPOINTMENT OF PAUL VALENTINE TO THE ZONING BOARD OF APPEALS

On motion of Councilman Scappaticci, seconded by Councilman Cannella,

it was

RESOLVED to appoint Paul Valentine to the Zoning Board of Appeals, effective March 6, 2009, with his term to expire December 31, 2011.

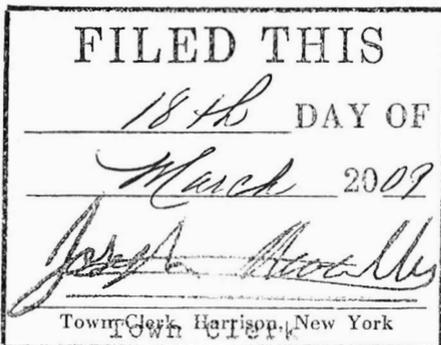
FURTHER RESOLVED to forward a copy of this Resolution to the Chairman of the Zoning Board of Appeals.

Adopted by the following vote:

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

NAYS: None

ABSENT: None



Copies to:

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

Chairman of the Zoning Board of Appeals

March 5, 2009

2009 - -110

SETTLEMENT OF CLAIM: ARJOMAND v. TOWN OF HARRISON
IN THE AMOUNT OF \$1,438.77

On motion of Councilman Scappaticci, seconded by Councilman Vetere,

it was

RESOLVED to settle the claim of Arjomand v. Town of Harrison, in the amount of \$1,438.77.

FURTHER RESOLVED that this settlement is subject to the claimant signing a General Release.

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

Adopted by the following vote:

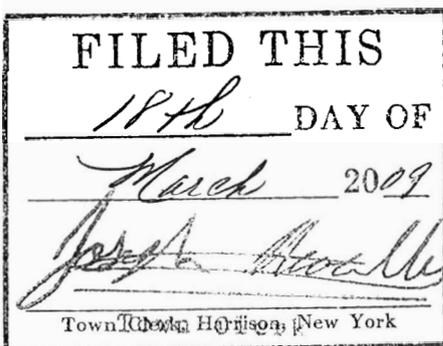
AYES: Councilmen Cannella, Scappaticci, Vetere and Sciliano
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



March 5, 2009

2009 - -111

AUTHORIZATION TO CONTINUE NEGOTIATIONS IN RESPECT TO
THE MTA TERM SHEET

On motion of Supervisor Walsh, seconded by Councilman Vetere,

it was

RESOLVED to authorize the continuance of negotiations in respect to the MTA Term Sheet.

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

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, with
all members voting in favor, declared closed at 11:23 PM.

Respectfully submitted,

Joseph Acocella
Town Clerk

Copies to:

- Assessor
- Benefits
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- Engrng
- Law
- Police
- P. Wrks
- Purch'g
- Recr'in
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-

