

September 23, 2010

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 23rd day of September, 2010 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)
Fred Sciliano)Councilpersons
Patrick Vetere)
Marlane Amelio)

ALSO ATTENDING:

Frank Allegretti Town Attorney
Fred Castiglia Deputy Town Attorney
Robert Paladino..... Village Attorney
Jonathan KrautDeputy Village Attorney
Anthony Marraccini Chief of Police

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-

FILED THIS
6th DAY OF
October 20 *10*
Regina L. Servino
 Town Clerk, Harrison, New York

September 23, 2010

2010 - - 329

PRESENTATION BY DENISE DIBIASI AND JOHANNA SAFER
RE: FARMER'S MARKET IN WEST HARRISON

Mrs. DiBiasi explained that for the trying to think of ways to bring business back to West Harrison. She recently went to a farmers market and thought it would be a good idea for West Harrison to be involved in this. The market is a family owned company from France having farmers markets in the United States and looking to develop our area. Mrs. DiBiasi introduced Johanna Safer.

Councilwoman Amelio asked why just West Harrison? Why not one week in West Harrison and one week in downtown Harrison?

Mrs. DiBiasi replied they would do another day. They have a set schedule. The parking lot in West Harrison is ideal.

Johanna Safer set their sites on West Harrison. The market brings people from outside the Town to the area. We offer fresh fruit and vegetables, bread, homemade pies, cheese, oil, nuts and fresh pasta. The market in White Plains has been in effect for six years, stationed at different locations.

Village Attorney Robert Paladino asked what are the hours of operation.

Ms. Safer answered from 8 am to 4 pm, May 26 to October 24th.

Councilman Vetere asked if a location has been selected for West Harrison.

Ms. Safer answered the Silver Lake Park.

Councilman Sciliano asked if it's the Park or the Village Green.

Supervisor Walsh answered: the parking lot.

Mr. Sciliano asked: the parking lot at the park or the village green area.

Mrs. Walsh responded the Village Green. She further stated that her first thought was to have it on the Village Green itself, it was explained to her that it's open even when it rains, so there would be too much mud therefore it needs to be on asphalt surface. Mrs. Walsh went on to say that she didn't know if vendors would come to that location. Ms. Safer located vendors who said they were fine with the location. As far as downtown is concerned, a decision couldn't be made until the MTA project is complete because where would the new location be. The vendors set it up and clean it up when they leave. Mrs. Walsh stated that a survey had been conducted a while back asking what brought people to town, the response was food.

Councilman Cannella asked what are the days and hours of operation.

Ms. Safer answered: Saturday's probably from 9 am to 3 pm, in the lower parking lot.

Councilwoman Amelio stated that she thought this was a nice idea, but what happens to the sales tax revenue and will this hurt existing businesses.

Ms. Safer replied that it's the other way around. The market brings more people who shop in the area stores and restaurants.

Ms. Amelio asked if Ms. Safer carries insurance.

Ms. Safer answered yes. The vendor also has insurance.

Ms. Amelio then stated that her concern was the parking.

Mr. Cannella stated they (he and Supervisor Walsh) were just having a sidebar concerning the parking.

Councilman Sciliano stated that a decision did not have to be made tonight. A look should be taken and then a decision could be made.

Mrs. DiBiasi stated that the companies slots are filling up for next year, even though the market won't begin in May a decision should be made soon. As far as parking is concerned, it is possible that people shopping at the farmer's market be able to park on the grass.

Mr. Sciliano stated that it's something to look into. He asked if having the market could be opened on Sunday's.

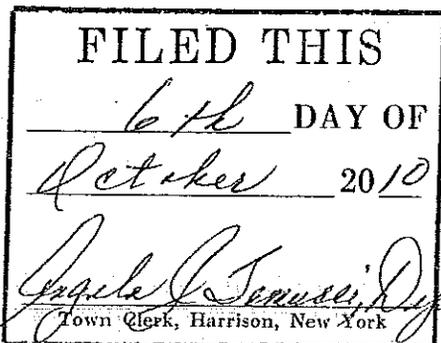
Supervisor Walsh stated that the merchants don't want to open on Sunday's.

Ms. Amelio stated that Mrs. DiBiasi does a tremendous amount for the Town of Harrison. She has worked very hard, with the economic crunch, to beautify the town, both downtown and West Harrison, and deserves to be applauded for all her efforts.

Mrs. Walsh ended by saying that some of our neighboring communities are having a promotion called 25 on 25. They urge that in order to support local businesses in their communities you spend \$25 in a store of a local merchant this Saturday, the 25th.

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS:

On motion of Councilman Cannella, seconded by Councilwoman Amelio,
it was

RESOLVED to accept the following correspondence and reports:

- 1a. Monthly report by the Superintendent of Recreation for August 2010.
 - 1b. Monthly report by the Building Inspector for August 2010.
 - 1c. Monthly report by the Building Inspector/Fire Marshal for August 2010.
 - 1d. Monthly report by the Town Clerk for August 2010.
 - 1e. Monthly report by the Commissioner of Public Works for August 2010, along with a chart of complaints/requests for services.
2. Notification by Joseph Bilotto, Chief Operating Officer for the Harrison EMS, that they will be receiving a grant for a Public Access Defibrillator (PAD) through the Twig Foundation of Westchester County. This defibrillator will be donated to the Harrison Recreation Department to be used at the Veterans' Memorial Building where the Senior Citizens meet on Fridays. The equipment will be given to Ron Belmont within the next few weeks. Mr. Bilotto asked that the community be advised of the placement of the A.E.D and that CPR training, as well as A.E.D. training is available at the Harrison EMS headquarters on Pleasant Ridge Road.
 3. Letter from Superintendent of Recreation Ron Belmont thanking Chief Bilotto for considering locating an A.E.D. device at the Veterans' Memorial Building. This meeting site is for Senior Citizens and also hosts Zumba and other aerobic dance classes as well as plays and concerts. The A.E.D. will be an asset to the facility.
 4. Notification by Jean Kelly, President of the Harrison Historical Society, that effective September 1, 2010 Barbara Specht has retired from working as the volunteer Historian. Gregory Ricci has replaced Ms. Specht.
 5. Notification by Maryanne Pagano, Girl Scout Leader and Rosa Acocella, Harrison High School Varsity Cheerleader Head Coach that the Harrison Cheerleading Club will be using the Girl Scout House on October 8th from 7 to 9 pm for a cheerleading workshop.

Adopted by the following vote:

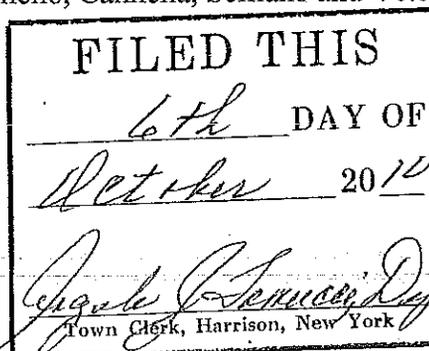
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 - - 331

ADJOURNED: PUBLIC HEARING RE: LOCAL LAW OF 2010 TO AMEND CHAPTER 106
ENTITLED "BUILDING PERMIT FEES; OUTDOOR ASSEMBLIES"

Supervisor Joan Walsh asked Deputy Village Attorney Jonathan Kraut that she was under the understanding that the Board not continue with this.

Deputy Village Attorney Jonathan Kraut stated that's it's the Board's province to decide what to do with it. If it's going to be waived, then why continue.

Mrs. Walsh explained that when people request to use some of the Town's facilities or when they hold a concert, golf outing or a fundraiser in Town, the Law says that they have to pay a fee for that event. They have to have insurance, etc. The custom of this Board is to waive that fee. It is so pervasive that we waive that fee, that we've considered abolishing the fee.

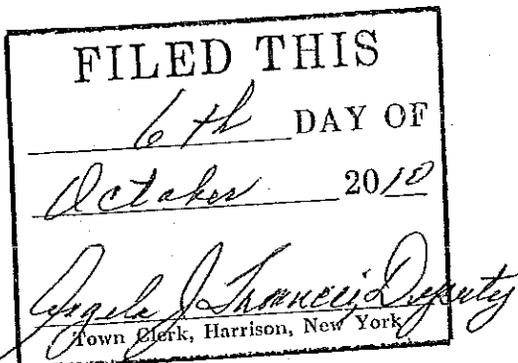
Councilman Cannella there has been times that fees have been imposed. He further stated that decision regarding these fees can made as they come before the Board.

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

On motion of Councilman Cannella, seconded by Councilman Vetere, with all members voting in favor, it was RESOLVED to adjourn this Hearing without a return date.

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September 23, 2010

2010 - - 332

ACCEPTANCE, WITH REGRET, THE LETTER OF RETIREMENT
FROM ANTHONY ZACCAGNINO

Supervisor Joan Walsh stated that Zacc has been an asset to the community and everyone is sad to see him leave.

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to accept, with regret, the letter of retirement from Anthony Zaccagnino, Assistant of Superintendent of Recreation effective September 30, 2010.

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

Adopted by the following vote:

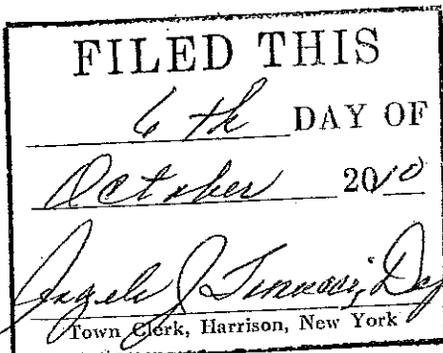
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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This Agenda Item was taken out of order.

September 23, 2010

2010 -- 333 -- a
ACCEPTANCE, WITH REGRET, THE LETTER OF RETIREMENT,
FROM RONALD BELMONT

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to accept, with regret, the letter of retirement from Ronald Belmont, Superintendent of Recreation effective September 30, 2010.

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

Adopted by the following vote:

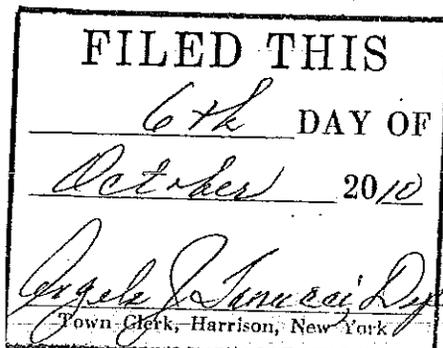
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 -- 333 -- b

ACCEPTED, WITH GRATITUDE, THE CONSULTANT AGREEMENT
WITH RONALD BELMONT

Supervisor Joan Walsh stated that Mr. Belmont has offered to continue his services overseeing the Recreation Department in a voluntary capacity. She continued that she has accepted this offer with gratitude as it is a tremendous gift that Mr. Belmont is giving to the town. Mrs. Walsh further stated we do not have to lose his services which have been of immense value for the many, many years he has been leading recreation and, at the same time, it won't cost the town any money.

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to accept, with gratitude, the volunteer services of Ronald Belmont, in the Recreation Department.

FURTHER RESOLVED that Mr. Belmont will be a consultant to the Town of Harrison with an agreement to be reached with the Law Department.

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

Adopted by the following vote:

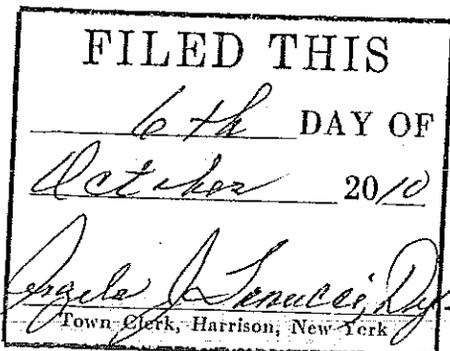
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 - - 334

APPROVAL FOR P.O. ALEXANDRA GRAMINGA TO ATTEND PACE LAW SCHOOL
FOR THE 2010 FALL SEMESTER. COST: \$3,954.35

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve P.O. Alexandra Graminga's attendance at Pace law School for the 2010 Fall Semester, at a total cost of \$3,954.35 for the following course:

"Criminal Procedure – Adjudication"

FURTHER RESOLVED that upon satisfactory completion and submission of P.O. Gramigna's attendance record, the Comptroller be authorized to audit and pay expenses outlined as per the contract with the HPA.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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FILED THIS
6th DAY OF
October 20*10*
Regina J. Samonis, Deputy
 Town Clerk, Harrison, New York

September 23, 2010

2010 - - 335

APPROVAL FOR THE APPOINTMENT OF
FRANK GROSS TO THE PART TIME AVAILABILITY LIST FOR
SCHOOL CROSSING GUARDS

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Chief of Police Anthony Marraccini for authorization for the appointment of Frank Gross to the part time availability list for School Crossing Guards, effective immediately.

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:

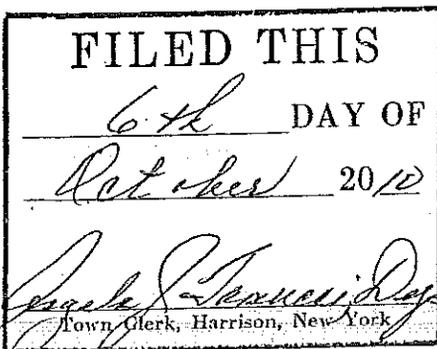
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 - - 336

APPROVAL OF THE APPOINTMENT OF PAUL MARCONE
TO THE POSITION OF LABORER (TRAFFIC II)

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request by Chief of Police Anthony Marraccini for authorization for the appointment of Paul Marcone to the position of Laborer (Traffic II), in the Police Department, effective August 30, 2010 at an annual salary of \$36,180.

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:

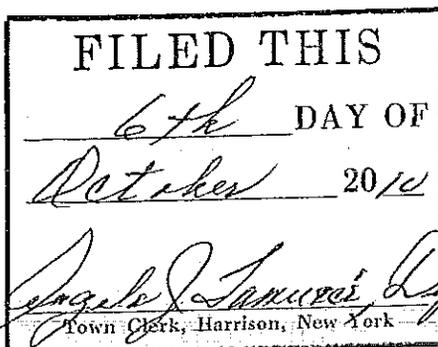
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 - - 337

APPROVAL FOR THE FOURTH INSTALLMENT PAYMENT FOR
THE HARRISON EMS

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Joseph Bilotto, Chief Operations of the Harrison Emergency Medical Services, for the fourth and final Installment Payment of the 2010 funding, in the amount of \$125,000.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and Mr. Bilotto.

Adopted by the following vote:

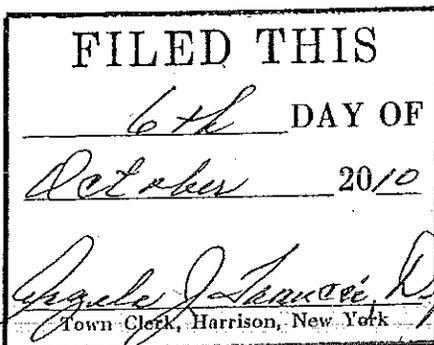
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 - - 338

APPROVAL FOR MANHATTANVILLE COLLEGE TO USE
THE TOWN'S PORTABLE STAGE

On motion of Councilman Sciliano, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Joseph Hinchey, Director of Campus Safety & Security at Manhattanville College, on behalf of President Smith for authorization to use the Town's Portable Stage.

FURTHER RESOLVED that the stage will be delivered to the campus on Friday, October 22, 2010 and picked up on Monday, October 25, 2010. There will be no rain date.

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

Adopted by the following vote:

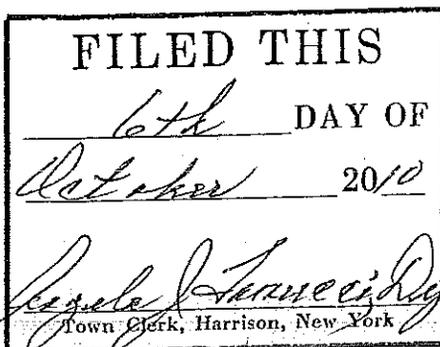
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 -- 339 -- a

DISCUSSION: RE: PARK KNOLL OWNERS, INC. AMENDMENT TO THE ZONING CODE TO PERMIT ON-SITE HOUSING FOR THEIR SUPERINTENDENT AND ASSISTANT SUPERINTENDENT

Jennifer Gray, attorney with the firm of Keane & Beane spoke on behalf of their client Park Knoll Owners, Inc., residential co-op located at 137 Columbus Avenue. Also in attendance are Peg Conover, President of Park Knoll Owners and David Palumbo, Treasurer and Secretary. The co-op consists of about 15 garden style apartment buildings on campus, with 228 residential units. The co-op has its own work force; a superintendent, an assistant superintendent and several porters, who are on call twenty four hours a day. Union requirements dictate that Park Knoll provide on site housing for the superintendent and assistant superintendent. Rather than create a financial burden on the co-op board and the residents, many who are on a fixed income. Park Knolls is requesting a slight amendment to the zoning code, which would allow no more than two accessory apartments to be constructed on site. There would be no change to the existing footprint of the building and the zoning code amendment would only affect Harrison's larger multi-family dwellings and again just for the purpose of providing housing for its on-site work force. Some apartment buildings in Harrison are already providing on-site housing for their superintendent and assistant superintendent. Last year the Planning Board denied Park Knolls for a Site Plan Amendment to construct a proposed apartment in the basement of one of their buildings for the superintendent. Keane & Beane did not represent Park Knoll at that time and believes there may have been some confusion and misunderstanding regarding exactly what was being proposed at that time and how Park Knoll would meet all the requirements. If the Town Board chooses to refer this application to the Planning Board tonight, they intend to fully address any concerns the Planning Board had at that time, in addition to any additional concerns they have. It is their belief that the proposed amendment will benefit the Town as a whole.

Councilman Vetere asked: what was the purpose for the Planning Board denial

Ms. Gray responded that there were several grounds that were enumerated in their decision, resolution dated November 2009, copy provided to the Board. One of the over arching reasons seem to be the status of Park Knoll as a non conforming use, in a business district where garden style apartments or multi-family dwellings as not currently a permitted use. It used to be a permitted use in that area but no longer. The Building Inspector took the position that the addition of an apartment on the site, even though the footprint would not be changed, that it was an illegal expansion of a non-conforming use. From looking at the records Ms. Gray believes this was a concern of the Planning Board.

Councilman Cannella responded that there were various concerns that the Planning Board had.

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FILED THIS
 6th DAY OF
 October 2010
 [Signature]
 Town Clerk, Harrison, New York

September 23, 2010

2010 -- 339 -- b

APPROVAL TO REFER TO THE PLANNING BOARD THE REQUEST BY PARK KNOLL OWNERS, INC., AN AMENDMENT TO THE ZONING CODE TO PERMIT ON-SITE HOUSING FOR THE SUPERINTENDENT AND ASSISTANT SUPERINTENDENT

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to refer the Park Knoll Owner's request for an amendment to the Zoning Code to permit on-site housing for the superintendent and assistant superintendent back to the Planning Board.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

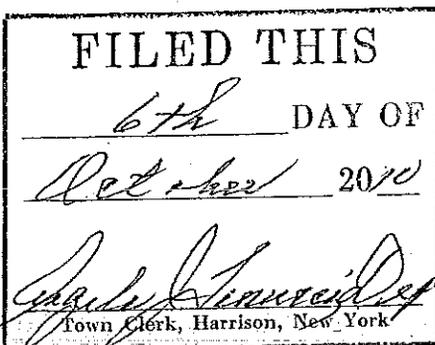
NAYS: None

ABSENT: None

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Planning Board



September 23, 2010

2010 - - 340

APPROVAL FOR MEALS ON WHEELS COORDINATOR TO ACCEPT A DONATION
FROM THE WEST HARRISON NEIGHBORHOOD ASSOCIATION
IN THE AMOUNT OF \$100.

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request by Meals on Wheels Coordinator Flo D'Imperio for authorization to accept a donation from the West Harrison Neighborhood Association in the amount of \$100 for Meals on Wheels.

FURTHER RESOLVED to forward a copy of this resolution to the Comptroller and the Coordinator of Meals on Wheels.

Adopted by the following vote:

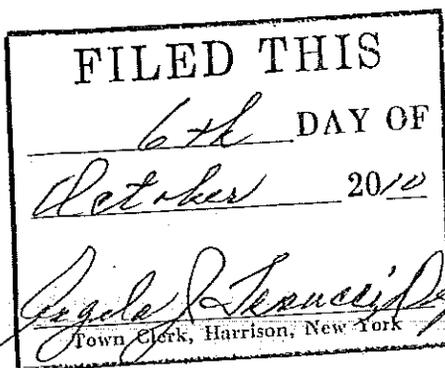
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 - - 341

AUTHORIZATION FOR ACCEPTANCE FOR THE AUDIT FOR THE JUSTICE COURT

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to accept the audit for the Justice Court prepared by Bennett Kielson, Storch DeSantis Division.

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

Adopted by the following vote:

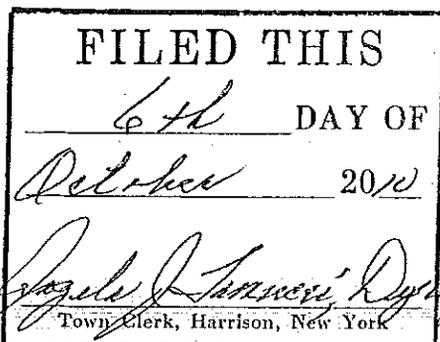
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 -- 342

APPROVAL FOR THE EASEMENT AND DEED
BY THE SILVERS TO THE TOWN OF HARRISON

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to approve the request by Village Attorney Robert Paladino for authorization to accept the Silvers conveying by deed certain property (0.05 acres) between West Street and a recently constructed berm that will widen the available road bed on West Street immediately in front of 620 West Street. The Silvers also grant an easement to Harrison over the northern 15 feet of their property and pursuant to an agreement with the Town's Engineering Department will pay for the installation of approximately 150 ft. of drainage piping between West Street and Winfield Avenue.

FURTHER RESOLVED to forward a copy of this Resolution to the Town Engineer, the Law Department and the Commissioner of Public Works.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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FILED THIS
6th DAY OF
October 20*10*
[Signature]
 Town Clerk, Harrison, New York

September 23, 2010

2010 -- 343

APPROVAL FOR THE DIRECTOR OF COMMUNITY SERVICES
TO ACCEPT A FOOD BANK OF WESTCHESTER ADOPT-A-PANTRY GRANT
IN THE AMOUNT OF \$2,000

On motion of Councilwoman Amelio, seconded by Councilman Sciliano,

it was

RESOLVED to approve the Director of Community Services Nina Marraccini to accept a Food Bank of Westchester Adopt-a-Pantry Grant in the amount of \$2,000 line of credit for any item on the Food Bank Inventory List.

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

Adopted by the following vote:

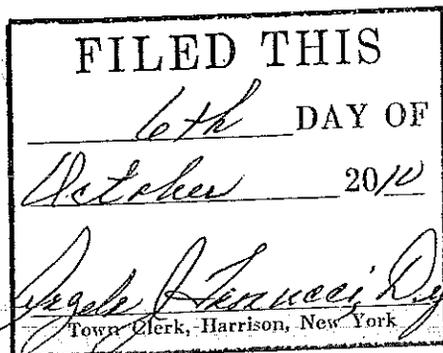
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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September 23, 2010

2010 - - 344

APPROVAL FOR P.O. WILLIAM DUFFELMEYER TO ATTEND MANHATTANVILLE COLLEGE FOR THE 2010 FALL SEMESTER AT A COST OF \$2,845

Police of Chief Anthony Marraccini stated that there have been many conversations regarding Mr. Duffelmeyer's attendance for the Principles of Rhythm & Dance class at Manhattanville College. After extended conversations with attorney's, despite Mr. Marraccini's view on this class, Officer Duffelmeyer is entitled to take this class. Mr. Marraccini has also done research on this class, which is not an elective class, but a mandatory class in Officer Duffelmeyer working toward his objective. The Chief stated that he had a productive conversation with the PBA President and Officer Duffelmeyer regarding this matter. Officer Duffelmeyer said that he would be more consciousness about future classes that he enrolls in. Chief Marraccini also spoke with Manhattanville College asking if they would help defray some of this cost but was unsuccessful.

Town Attorney Frank Allegretti stated that he had a conversation with Mr. Quinn, who supplied the back up for the fact that the course taken by Officer Duffelmeyer is within his core curriculum for his masters in physical education.

Lucille Held stated that after reading the contract she learned that a police officer could take two courses in each period. Which means, we allow them to take eight courses in a year. She hopes that in future negotiations with the police that that is taken out of the contract.

Councilman Vetere stated that another course he has to take is gymnastics.

On motion of Councilman Sciliano, seconded by Councilman Cannella,

it was

RESOLVED to approve P.O. William Duffelmeyer's attendance at Manhattanville College for the 2010 Fall Semester for "Principles of Rhythm & Dance" at a total cost of \$2,845.

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

Adopted by the following vote:

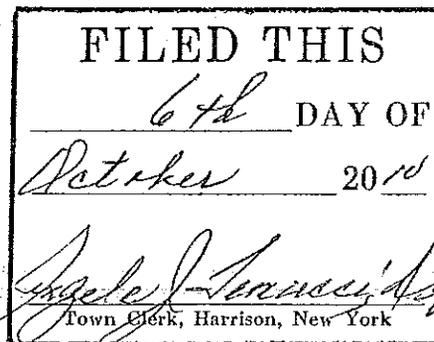
AYES: Councilpersons Amelio, Cannella and Sciliano
Supervisor Walsh

NAYS: Councilman Vetere

ABSENT: None

Copies to:

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



September 23, 2010

2010 - - 345

DISCUSSION RE: THE LAKE STREET QUARRY

Town Attorney Frank Allegretti asked to take a few minutes for executive session.

On motion of Councilman Cannella, seconded by Councilwoman Amelio, with all members voting in favor the Meeting was recessed for executive session at 8:25 PM.

On motion of Councilman Sciliano, seconded by Councilman Vetere, with all members voting in favor, the Meeting was reconvened at 8:35 PM.

After a lengthy discussion between Michael Sirignano, attorney, representing the Lake Street Quarry, Town Attorney Frank Allegretti and Deputy Village Attorney Jonathan Kraut, the matter was tabled until the October 7, 2010 Meeting.

The following residents spoke against the Quarry:

Sam Fanelli, Vanessa Daher, Glenn Daher and the daughter of Margaret Finch.

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to table the matter until the October 7, 2010 Meeting.

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

Adopted by the following vote:

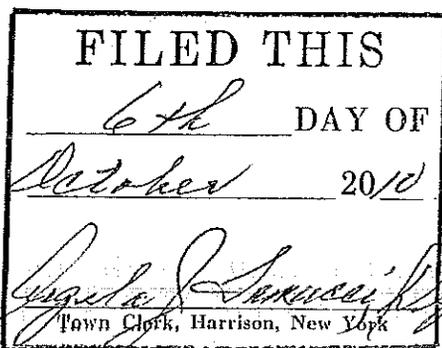
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



September 23, 2010

2010 -- 346 -- a
COMMENTS BY RESIDENT'S

Rose Marino stated that on July 19th she filed a complaint regarding a land fill next door to her for a pool. There was no permit for the land fill. There was a permit for the pool, fence and landscaping. Also, the code regarding a generator stated that a generator should be at the back of the house. Her neighbor's generator is on the side of the house and is 67 db's, the code states it should be 55 db's. She further stated that the screening at Saxon Woods has not been completed.

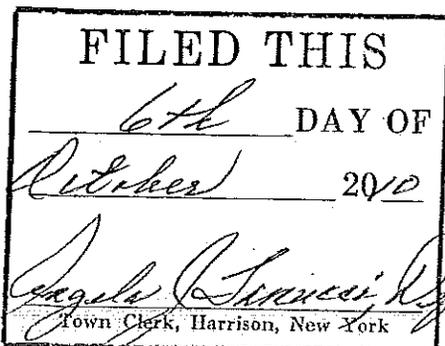
Supervisor Walsh stated that she has sent Mrs. Marino's complaints have been sent to the Building Department.

Deputy Village Attorney Jonathan Kraut stated that he would check on this matter. It is his belief that Inspector Garrity and Code Enforcement Office DiBuono have visited the site several times. It would be difficult for the Building Inspector to measure the meters as the Town does not own a decibel meter tester.

Supervisor Walsh stated that she asked Building Inspector Robert FitzSimmons when the planting at Saxon Woods would take place. Mr. FitzSimmons did send a letter to Mrs. Marino.

Copies to:

- Assessor
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- Compt'lr
- Engrng
- Law
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- Supvs'r



September 23, 2010

2010 - - 346 - - b
COMMENTS BY RESIDENTS

Mr. Roy Porto stated that there was a newspaper article stating that 54 cent a mile for the employees.

Supervisor Walsh answered: she told the Board and the employees that as part of the budget proposal she is making, which must be filed on October 31, 2010, she is putting in that any employees that take a car home, they must pay the IRS charge.

Mr. Porto interrupted saying that that's what employees are supposed to do.

Mrs. Walsh responded that what the employees have done before is included it at the end of the year as part of the W2. She is now saying that either on a monthly or quarterly basis (they will work it out) the employees will give a check for that amount.

Mr. Porto asked: what is the criteria? Is it from the building to their house?

Mrs. Walsh stated it is from the building to their house.

Mr. Porto this has been going on for several years. You, the Board has tried to adopt a car policy. There are still about 40 cars that go home. Why can't the essential vehicles go home, which should be a total of 12 as:

The Chief, the Fire Chief. We're trying to save money and this is all part of it. Why is this so difficult. Why can't the cars be left here. There is the town garage, the police department and the parking lot across from the Harrison Paint Store. Forget about collecting 54 cents a mile. Leave the cars here. You took away the essential vehicles from foreman's, who live in town, that need to respond to emergencies, why it was adopted to take their vehicles away and yet the employees who live maybe 50 miles away get to take home a vehicle but cannot respond to an emergency.

Supervisor Walsh said it was always her opinion that cars should not go home.

Mr. Porto stated then why was it not adopted.

Mrs. Walsh answered: the Board did not go along with it.

Councilman Sciliano stated that a car policy was adopted. We went over you list.

Mr. Porto stated that if you're 34 miles away, what good could you do in an emergency. He believes the cars should be kept here with a few exceptions. The only person that has not been here during all the car discussions was Councilwoman Amelio. He asked for her opinion.

Councilwoman Amelio replied that during these economic times it should be revisited.

Mr. Porto asked if a non emergency vehicle should leave the town or go to the employee's home as a perk.

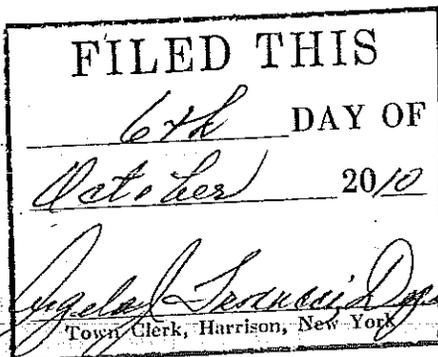
Councilwoman Amelio responded no, she doesn't.

Mr. Porto said you have to take into consideration the actual cost; the wear and tear on the car. Vehicles that were taken away from some of the wrong people. He believes there are a lot more cars that need to be gotten rid of.

Supervisor Walsh stated that she is in agreement with Mr. Porto.

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- Supvs'r



September 23, 2010

2010 -- 346 -- c

COMMENTS REGARDING THE CLUSTER SUBDIVISION ON WEST STREET

Andrew Rossman of 550 West Street stated that today his wife gave the Supervisor some petitions regarding a cluster subdivision. The property next to his 530 West Street has proposed a subdivision that has been around since 2002. There have been hearings before the Planning Board, who is lead agency. The residents came to this Board in 2008 asking for a variance of the one acre residential zoning for the entire neighborhood. Mr. Rossman is under the understanding that it was granted without notice or a public hearing. To my and my neighbors knowledge they are permitted to have a cluster zoning. Of the 15 petitions given to the Supervisor, all are upset by this. We recently learned that this is the procedure that is followed. We would like to have the opportunity to present their cases. We don't believe it's appropriate, they don't believe it's in the character of the neighborhood to rezone that particular area to a cluster zone. It dramatically impacts their use and enjoyment of their home. It includes a new road, approximately 100 feet from his bedroom window, it would turn his lot into a corner lot with setback restrictions that would affect their ability to use it and make improvements. There's traffic impact and wetlands. We believe it will affect runoff and drainage in a negative way. A major issue for the Town Board is should this property be zoned in a different way that is totally out of character with the neighborhood, will negatively impact real estate values and tax assessment values for all the properties in and around West Street, properties they believe have received significant improvements over the last few years, to suddenly have three houses and an existing house close in proximity, out of character, what you call a country lane, West Street, neighbors should have given the opportunity to speak on this issue. Tonight, they are asking the Board to rescind its approval, to tell the Planning Board that it cannot rely on the approval that it has, a Planning Board that has or is close to site hearing or maybe facing a final site hearing as early as next week.

Supervisor Walsh interrupted saying the Planning Board have approved the DIS. She further stated that the town cannot tell someone they cannot develop their property. How they develop it is generally the decision of the Planning Board. Mrs. Walsh further stated that today she asked for a copy of the site plan and was surprised to see there was an actual road going back there. When it was described to her it was described as a driveway. There would be a driveway going back to serve these three houses primarily because of the wetlands. The road or driveway goes over the wetlands. Mrs. Walsh has put together a file for advice of counsel asking if the board can rescind their approval and what is the board's authority at this point.

Mr. Rossman stated that the homeowners are not suggesting that the town prevent them from doing development. What they do think is that the town not give them an exception from the one acre zoning that the neighbors are abiding by, in order for them to do a development project with negative environmental impacts, hurts the neighborhood, not to mention the traffic. We're not asking the town to preclude them entirely, we are asking the Planning Board to consider that because of the environmental impact.

Councilman Cannella interrupted saying that anything that goes to the Planning Board, mailing and posting are required. Did mailings occur?

Mr. Rossman answered: mailings occurred.

Mr. Cannella asked if people have been watching the deliberations with the planning Board regarding this issue.

Mr. Rossman replied that there have been numerous notices and numerous hearings, some public and some where the public was not permitted to participate. It stretched over a period of eight years, this project actually goes back to the 1990's, when it did not receive approval. After speaking with neighbors it has been almost impossible to track this project and it goes in and out of meetings, held here until 10-11 o'clock at night. Notices went out with great frequency but in all that time there was only one public hearing that coincided with a time when he (Mr. Rossman) couldn't attend. He has been in attendance at all the other meetings. The people have lost track of it. The minutes have been on the environmental issues. But, this issue with the cluster development and the zoning variance there has never been before the Planning Board or a notice that this Board had a meeting regarding that.

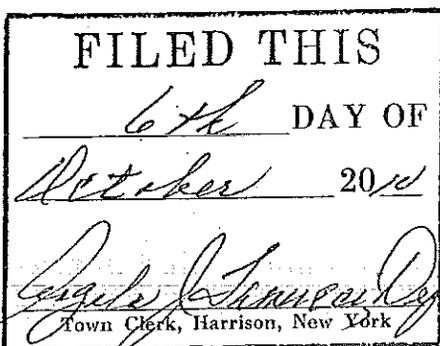
Councilman Cannella stated that it could have been missed but technically he doesn't believe that's correct. He asked: there have no public hearings on any board level with respect to the cluster subdivision.

Mr. Rossman answered: absolutely not. He checked it with the town records, spoke to Rosemarie, secretary for the Planning Board. It was done in a clever way by the applicant's attorney in which they set before the town board the question of the clusters. That was done without notice or without public hearing while they were going under the guides of public hearing on other issues.

Councilman Cannella said it doesn't sound technically right, but the board would look into it.

Copies to:

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- Supvs'r
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September 23, 2010

2010 - - 347

MATTERS FOR EXECUTIVE SESSION:

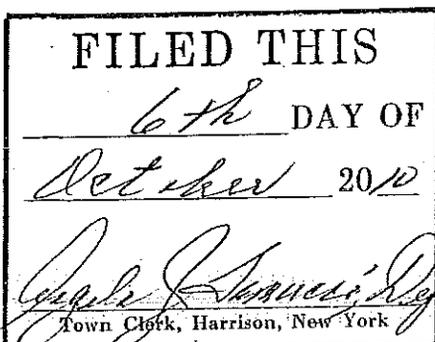
Advice of counsel	2
Settlement of claim	1
Tax certiorari's	4
Personnel	3
Acquisition of real property, re: dedication of two road ways	2
Property casualty	1
Potential litigation	1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed for executive session at 10:35 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 11:50 PM.

Copies to:

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



September 23, 2010

2010 -- 348

SETTLEMENT OF CLAIM:
STORMS v TOWN OF HARRISON

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to settle the claim in the matter of Storms v Town of Harrison in the amount of \$581.76 for automobile damages.

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 Law Department.

Adopted by the following vote:

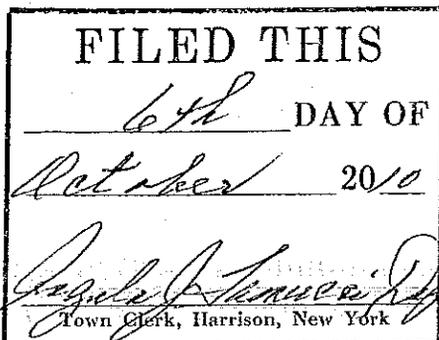
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



September 23, 2010

2010 - - 349

AUTHORIZATION FOR THE LAW DEPARTMENT TO PREPARE AN AGREEMENT FOR
THE REMAINDER OF THE SEWER SYSTEM
OF HICKORY PINE AND RETURN \$25,000 TO THE DEVELOPER

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to authorize the Law Department to prepare an Agreement resolving the punch list for the dedication of the remainder of the sewer system of Hickory Pine, said Agreement shall provide for the return of \$25,000 to the developer with the balance of \$75,000 to the Town.

FURTHER RESOLVED to authorize the Comptroller to effectuate the return of \$25,000 of the \$100,000 held in escrow by the Town.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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

FILED THIS
6th DAY OF
October 20*10*
[Signature]
 Town Clerk, Harrison, New York

September 23, 2010

2010 - - 350 - -a

AUTHORIZATION FOR REFUND FOR TAXES PAID BY
WESTAIR AVIATION SERVICES, LLC, IN THE AMOUNT OF \$96,480.19

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to authorize the refund for taxes paid by Westair Aviation Services, LLC, in the amount of \$96,480.19.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Law Department and the Receiver of Taxes.

Adopted by the following vote:

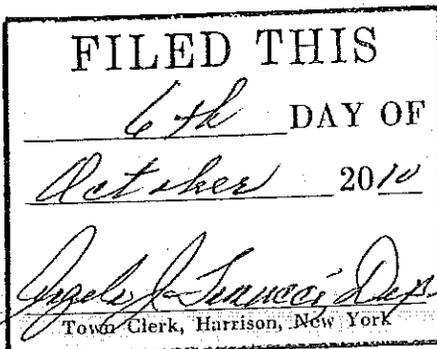
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



September 23, 2010

2010 -- 350 -- b

AUTHORIZATION FOR REFUND FOR TAXES PAID BY
PANORAMA FLIGHT SERVICE, INC., IN THE AMOUNT OF \$96,897.40

On motion of Councilman Cannella, seconded by Councilman Sciliano,

it was

RESOLVED to authorize the refund for taxes paid by Panorama Flight Service Inc., in the amount of \$96,897.40.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Law Department and the Receiver of Taxes.

Adopted by the following vote:

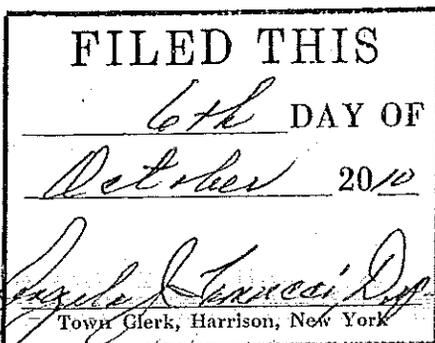
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



September 23, 2010

2010 - - 351

AUTHORIZATION TO SETTLE THE TAX CERTIORARI:
COMMERZ BANK, 3 MAYFAIR CIRCLE,
BLOCK 641, LOT 103 v TOWN OF HARRISON

On motion of Councilman Vetere, seconded by Councilwoman Amelio,

it was

RESOLVED to authorize the settlement of the tax certiorari: Commerz Bank, 3 Mayfair Circle, Block 641, Lot 103 v Town of Harrison as follows:

<u>YEAR</u>	<u>ASSESSED VALUE</u>	<u>REDUCTION</u>
2009	39,100	28,700

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Law Department and the Assessor.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, 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

FILED THIS
6th DAY OF
October 20*10*
Angela J. Tancos, Deputy
 Town Clerk, Harrison, New York

September 23, 2010

2010 -- 352

AUTHORIZATION TO SETTLE THE TAX CERTIORARI:
ELLISON, 2 LAUREL WOOD COURT,
BLOCK 592, LOT 49 v TOWN OF HARRISON

On motion of Councilman Vetere, seconded by Councilwoman Amelio,

it was

RESOLVED to authorize the settlement of the tax certiorari: Ellison, 2 Laurel Wood Court, Block 592, Lot 49 as follows:

<u>YEAR</u>	<u>ASSESSED VALUE</u>	<u>REDUCTION</u>
2009	82,900	20,700

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Law Department and the Assessor.

Adopted by the following vote:

- AYES: Councilpersons Amelio, Cannella, 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

FILED THIS
6th DAY OF
October 20*10*
Angelo J. Sances, Deputy
 Town Clerk, Harrison, New York

September 23, 2010

2010 - - 353

AUTHORIZATION FOR THE RATIFICATION OF THE STIPULATION OF AGREEMENT
BETWEEN THE TOWN OF HARRISON, LOCAL 456 IBT
AND JOHN CORROLLA

On motion of Councilman Sciliano, seconded by Supervisor Walsh,

it was

RESOLVED to authorize the ratification of the Stipulation of Agreement between the Town of Harrison, Local 456 IBT and John Corrolla, dated September 21, 2010.

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

Adopted by the following vote:

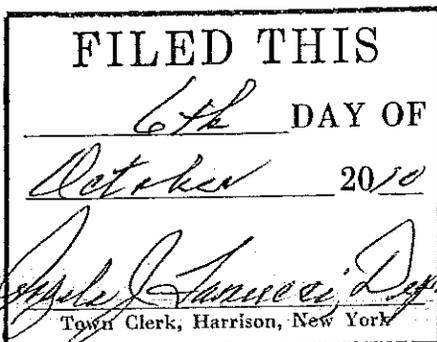
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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



September 23, 2010

2010 - - 354

AUTHORIZATION FOR HIS STIPULATION OF SETTLEMENT BETWEEN
THE TOWN OF HARRISON, LOCAL 456 IBT AND WILLIAM BISIGNANO

On motion of Councilman Sciliano, seconded by Supervisor Walsh,

it was

RESOLVED to authorize for his Stipulation of Settlement between the Town of Harrison, Local 456 IBT and William Bisignano.

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

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
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 11:50 PM.

Respectfully submitted,

Angela J. Tamucci
Deputy Town Clerk

Copies to:

- Assessor
- Benefits
- Bldg
- Compt'lr
- Engrng
- Law
- Police
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