VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
February 13, 2013

7:00 P.M. – AUDIT OF MONTHLY BILLS
7:30 P.M. – REGULAR MEETING

ROLL CALL:
Mayor Stephen Welle, Deputy Mayor Edward Shuart Jr., Trustee G. Bruce Chichester, Trustee Lawrence Mosca, Trustee Christine Sacher, Building Inspector Ronald Walker, DPW Superintendent John Karl, Village Clerk Kelly Kearney, and Village Attorney Ben Ostrer of Ostrer & Hoovler was not here as of yet.
Absent and excused was Police Chief Raymond Culver.

The Mayor asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES:
Mayor Welle asked if there were any changes or additions to the minutes of the January 22, 2013 Board Meeting. There being none, the minutes were accepted as written.

INFORMATIONAL ITEMS:

- Upcoming meeting dates:
  Village Board Meeting – February 26, 2013
  Zoning Board of Appeals Meeting – March 6, 2013
  Planning Board Meeting – March 18, 2013
- Mayor Welle stated the proposed Governor's budget includes the reduction in the plea bargaining. A letter was written to our assembly people and Senator Larkin. We received back a letter from Assemblywoman Rabbitt supporting what our concerns are. We have a draft letter here that we will be sending to the Governor and Assembly Speaker Silver and Majority Leader Skelos regarding our oppression to the plea bargaining as this will create a lot of issues with the court.
- Mayor Welle again requested that no garbage or recycle cans be placed in the street it can cause serious issues with plowing. The Mayor stated that the Deputy Mayor and the Mayor did meet in Woodbury with the Woodbury Supervisor and a representative from County Waste as the Woodbury section of Harriman has the biggest problem with these cans. They are working to see what we can do about this to remedy this situation.
- Mayor Welle also stated that in accordance with Village Codes:
  Code132-15 No overnight parking in the Village from November 1st thru April 1st from 11pm – 6am.
  Code 132-27.1 No parking at all on Village streets in snow events until snow has been cleaned off the roads.
- Mayor Welle stated that Orange County Department of Health will be offering a free rabies clinic Saturday February 23, 2013 10 AM to 2 PM in the Town of Crawford Town Hall. There is a pre-registration, the phone numbers will be here in Village Hall if anyone is interested.
- Bills were audited:
  $72,948.31 General Fund
  $46,916.84 Water Fund
- There will be one addition to add to the agenda this evening
  4 a Water Tank/Soil Borings

DEPARTMENT REPORTS:
DPW – see attached report. Water Bills went out February 1, 2013, in the amount of $258,752.85. The Mayor stated that he would also like to thank DPW Supt. John Karl and the guys for the job they did on the snow storm last weekend. Unfortunately, it went all night but so did they. They did a great job on the roads.
Police Department – see attached report. Police received $30.00 in funds
Building Department – see attached report.

$	360.00	building permits
$	75.00	certificates of compliance
$	0.00	certificates of occupancy
$	100.00	Municipals

WATER TANK/SOIL BORINGS-
Our Engineers Lanc & Tully requested proposals for soil borings for the new tank site. They came back with three proposals. John Lanc has reviewed them. He is recommending that we accept PSI Engineering in the amount of $7,169.00 with the attached guidelines they will work by.

MOTION was made by Trustee Chichester to accept the proposal as outlined by the Mayor.
SECOND was made by Trustee Shuart.
AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

For the record the Village attorney Ben Ostrer is now present.

LOCAL LAW #3 – INDUSTRIAL ZONE CHANGE
We received the 239 Review back from the County, Local Determination a Public Hearing was held discussed and at this point we are looking for a motion to adopt this Local Law #3 of 2013 regarding the I-Zone if the Board so desires.

MOTION was made by Trustee Chichester to adopt Local Law # 3 of 2013 Industrial Zone change.
SECOND was made by Trustee Mosca.
AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

MONROE WOODBURY LITTLE LEAGUE REQUEST-
We received a request from the Monroe Woodbury Little League for usage of the park this year. Mayor Welle asked the President of the League Michael Cordero to speak. He stated it is the same request as years past, the three fields and times that were in the letter he had sent in to the Village Board. The MWLL will acquire and pay for the portable toilet at the VFW Field for the entire season. He stated he included with his request was his certificate of insurance.

Trustee Shuart asked if DPW John Karl was aware of this request.
DPW John Karl stated he hadn't received a copy.
Trustee Shuart stated it doesn't seem like very much of a break for the fields.
DPW John Karl stated that was what it was last year too.
Trustee Mosca asked how the fields did last year.
DPW John Karl stated it helps to keep the geese off, we had some rain last year that kept the use down but it still puts a wear on the fields.
The Mayor then stated that there was another group that had called and requested usage but did not summit any paperwork but they did send an email today. We did not put them on the agenda but we did tell them they could speak during Public Comment.
Trustee Chichester asked have you gotten other school fields and other municipalities' fields, is everything the same as last year as far as using other places too.
Mr. Cordero stated yes it is
Trustee Chichester said he is a little concerned that the league request pretty much dominates and eliminates any other use of the fields.
Mr. Cordero stated that he would gladly work with any other teams or anyone else, that he can adjust their schedules. They have 80 teams in their league.
Trustee Sacher stated so no Harriman child will be turned down to play.
Mr. Cordero stated no child in the Monroe Woodbury School District would be turned down to play.
Trustee Shuart asked DPW John Karl if he has any concerns regarding the fields.
DPW John Karl stated there has always been concerns and he has looked for an aerator but unfortunately due to the financial situation we have not been able to purchase one. It's hard but we try to do our best to keep the fields in good condition.
Trustee Chichester stated he would like to request this to be tabled to the end of the meeting so we can hear from the other individual during the Public Comment section.
The Board agreed.
The Mayor stated Mr. Cordero was welcome to stay to the end if he would like. Mr. Cordero stated he would like to stay.

REQUEST – ART PRICE
The Mayor asked Mr. Price if he would like to speak. Mr. Price stated that he is the developer and owner of Concord Park. He stated he believes everyone knows where it is. Mr. Price said he has been approached by the adjacent property owner Mr. Tondo who purposed to him the possibility of Mr. Price purchasing his property and developing it. Mr. Price stated he is considering this with the possibility of putting up a 5th building for Concord Park. The problem is he would need a zoning change the property is zoned commercial. Mr. Price stated he went to see Mayor Welle and showed him what he had to see if it was possible to get a zoning change. The Mayor had informed him, he would have to come before the Village Board. So as a result of that Mr. Price took the site plans that he had and super imposed the idea of the plan on the site plan with Concord Park. Mr. Price brought this idea to the Planning Board. The property is very severe. Mr. Price stated we discussed it with the Planning Board and they told me I would have to modify the building to fit. The building would fit and look exactly like the other four buildings in Concord Park. The Planning Board told me they would like to see the property developed. They would consider the site plan that he would design so he is coming before the Village Board to see if you would consider the zoning change to allow me to building. Mr. Price showed the Village Board what the building would look like. The only modification that would be there would be steps going to the first floor otherwise they would just look like the building there now. It would be 12 units the basement would be used as storage. Mr. Price stated the Planning Board asked me to come back after I do some test borings on the site to make sure I'm not running into rock. If I run into rock I am not going to build

there. If I don't run into rock and indications are that I will not run into rock I would like to build. If there is a chance for this zoning change I will go ahead with the test borings and bring the results back to the Planning Board if they are happy with it, then I will make a full application to the Village Board to see if you will give me a zoning change. Trustee Chichester stated the zoning on this property is for commercial which proves a bigger rate to the Village that are much deeper than what you're offering. With the State cuts I think to change the zoning would not be beneficial to the Village. I do believe we need commercial rates. We really don't need residential at this time. Mr. Price stated there would be no visibility from Route 17M for commercial property. In his opinion no one will ever make that commercial. Mayor Welle stated if the Board was to move forward on this we would need to set up a Public Hearing and notify the Orange County Planning Board and do SEQRA. Village Attorney stated if Mr. Price gets satisfactory soil reports we could get a recommendation from the Planning Board suggesting the zone change for zone changes we are the lead agency. In the absent of the Planning Board approving it you would need a super majority with the Planning Board endorsement you need a simple majority to approve the zone change. If we get endorsement from the Planning Board that they are satisfied with the soils then we need a Public Hearing and 239 Review. Trustee Sacher stated this is if we would want to entertain this. Village Attorney stated yes if not then it would go nowhere. Trustee Sacher stated she does not want this gentleman to start spending money if it is not going to happen. The Village Board agreed. Mr. Price stated we understand if you are not going to approve or entertain then we would rather not spend the money on the tests. Trustee Mosca stated I would like to hear what the Planning Board has to say. Mayor Welle stated we need to make a Motion to continue the process. The Board did a vote to see if there was a chance 3 no's and 1 yes. Mr. Price said thank you for being honest they have not invested anything in the project and would rather know up front before spending money. The Board decided it would be a No.

REQUEST – TREASURER – TRAINING
Mayor Welle stated the Treasurer requested to attend an upcoming Basic Accounting course on May 21, 22 and 23, 2013 at a cost of $85.00.

MOTION was made by Trustee Chichester to approve the request as outlined by the Mayor.
SECOND was made by Trustee Mosca.
AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

BUDGET TRANSFERS-
Mayor Welle stated we received a memo from the Treasurer requesting budget transfers in the memo dated 2/13/13.

MOTION was made by Trustee Chichester to approve the Budget Tansfers as outlined by the memo dated 2/13/13 from Treasurer Coimbra.
SECOND was made by Trustee Shuart.
AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

VILLAGE BOARD RESPONSE - 5/31/11 AUDIT –
This was done by Sedore & Co., we need to approve a letter responding to the audit finding.

MOTION was made by Trustee Sacher to approve the request as outlined by the Mayor.
SECOND was made by Trustee Mosca.
AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

DISASTER RECOVERY SYSTEM –
Mayor Welle stated this is the Data back-up system for the computers. Currently we have 500 gigabytes we are going over with all our scanning that has been done. We will update to 1 terabyte the price will go from $519. to $665. a month. The contract is up in July then they will come in with their recommendations for the back up here and remote back up.

MOTION was made by Trustee Mosca to approve the request as outlined by the Mayor.
SECOND was made by Trustee Chichester.
AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

BUDGET MEETING DATES –
Budget dates are February 19th and 20th and March 5th and 13th. February 19th is scheduled for the Department Heads.

CANADA GEESE MANAGEMENT –
Mayor Welle stated in conjunction with the US Department of Agriculture for a total cost not to exceed $5409. We need a Motion to approve and for it to be signed.

MOTION was made by Trustee Shuart to approve the request as outlined by the Mayor.
SECOND was made by Trustee Mosca.
AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

VILLAGE CODE CHANGES –
Mayor Welle stated Local Law #4 of 2013 The Omnibus Village Code update of 2013. We need to set up a Public Hearing for this. The Public Hearing will be March 12, 2013 at 7:15 PM

MOTION was made by Trustee Chichester to approve the request as outlined by the Mayor.
SECOND was made by Trustee Shuart.
AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

ATTORNEY REPORT:

- Omnibus Code Update – we addressed that tonight.
- Water Easements - Communications went out to all the effected property owners. We did have expression from Mr. Molloy of Harriman Properties LLC that he did not provide us with an easement but he did say if the Village wanted to get to the pipe he would be happy to grant the license or permission. Mayor Welle asked if it was an emergency situation where would we stand. Village Attorney stated under an emergency you could enter the property. By having a recorded easement it puts people on notice. We still are pursuing the others. I will update you on this at the next meeting.
- Quercia Lawsuit - dispositions were held. Marissa has the files on Mr. Hunter. We can discuss during Executive Session but Mr. Hunter's tenure both part time and full time are in excessive of what the lawsuit states.
- Team Environmental – we will discuss in Executive Session
- Hampton Inn – no updates

PUBLIC COMMENT:

Mike Kirkpatrick Highland Mills - He would like to request use of the fields for 3 or 4 Sundays in the Spring. I sent an email today it is for a travel baseball team. We have 11 kids on the rooster 9 years olds currently everyone is from the Monroe Woodbury area they all play on the Monroe Woodbury Little League. We have one father who is a coach here tonight that is a Fireman and a business owner in Harriman. Mayor Welle asked you are requesting for 1 field for 3 or 4 Sundays. Mr. Kirkpatrick stated yes I brought the rooster and insurance tonight. Trustee Chichester asked how the team came to be if there is tryouts. Mr. Kirkpatrick stated it was really word of mouth and started through the MWLL. They play other Towns. Last year they played at Brickley and the Rez which we will still use again this year too. Mr. Kirkpatrick says he knows Mr. Cordero and would be happy to work with him. Mr.Cordero stated he would also share the fields. Trustee Sacher stated she would like to remind the Board that the park is used by the Village of Harriman residents for their parties. This can cause conflict if you bring people from surrounding areas with people trying to have parties. Trustee Chichester asked is this team associated with MWLL? Mr. Cordero said they all are on MWLL but the travel teams are not associated with them. Its not part of the little league. Mr. Kirkpatrick stated if over use of the fields are a concern he would be happy to talk to the kids about doing a fund raiser to raise money to rent an aerator. Trustee Sacher is concerned with our residents. Mayor Welle stated this would be in the spring must residents don't start using the park until later in the season. Trustee Sacher stated it is a beautiful park and I am concerned people coming into our park will think that they can use all the things that we have at our parks and will be having pinics. They won't understand that you need permission to use our parks and that there are rules. Mr. Kirkpatrick stated we only play the teams once. Trustee Sacher stated we can try. Trustee Chichester stated he thinks that they should work out the times between the leagues. Mr. Cordero stated he did request that if other teams are using the field he would like the Board to know so if something is wrong his league is not responsible. Bill Kelly a Harriman firefighter and business owner in Harriman stated he remembers his grandmother bringing him to that park and agrees it is a beautiful park. He stated the games don't last more than 2 hours and the amount of people there is not more than 20 -30 people. Trustee Sacher reminded them that if fields say closed THEY ARE CLOSED!

MOTION was made by Trustee Chichester to approve the Monroe Woodbury Little League request with a stop time of 1pm on Sundays.

SECOND was made by Trustee Mosca.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

MOTION was made by Trustee Chichester to approve the request of the Monroe Crusaders for 3 or 4 Sundays with dates that work for both teams.
SECOND was made by Trustee Mosca.
AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

MOTION was made by Trustee Chichester to enter into Executive Session for personnel, litigation and protential property acquisition client/attorney privilege.
SECOND was made by Trustee Shuart.
ALL IN FAVOR.

At this time the Village Clerk was excused from the meeting. The following was given by Mayor Welle:

Executive Session was held with Attorney Ben Ostrer.

MOTION was made by Trustee Sacher to end Executive Session and return to the regular meeting.
SECOND was made by Trustee Chichester.
ALL IN FAVOR

MOTION was made by Trustee Chichester to authorize the Mayor to enter negotiations to purchase a property known to the Village Board. The price will not be greater than fair market value based on the 2012 tax roll. If a price is agreed on, authorize the Mayor to execute a contract and authorize Team environmental to complete a phase 1 report for a fee not to exceed $1,500.
SECOND by Trustee Shuart.
ALL IN FAVOR.

MOTION was made by Trustee Chichester to terminate the services of Marvin Nyman CPA immediately and contract with Sedore and Co. in accordance with their proposal of January 23, 2013.
SECOND by Trustee Shuart.
ALL IN FAVOR.

MOTION was made by Trustee Shuart to authorize the Treasurer to expend $20,808. From the Water Reserve account for repairs to the N. Main St. well and $25,000. For engineering and associated costs at the new water tank site.
SECOND by Trustee Chichester.
ALL IN FAVOR.

A **MOTION** was made by Trustee Shuart and **SECONDED** by Trustee Sacher to adjourn the meeting at 9:35pm.
ALL IN FAVOR.

Respectfully submitted by Kelly Kearney
Kelly Kearney, Village Clerk

APPROVED