



Village of Harriman

1 Church Street
Harriman, New York 10926
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VILLAGE BOARD MEETING APRIL 13, 2021

7:00PM – AUDIT BILLS
7:30PM – REGULAR MEETING

AGENDA

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES – March 9th and April 6, 2021**
- 3. INFORMATIONAL ITEMS**
- 4. DEPARTMENT REPORTS**
- 5. RESIGNATION – Police Department**
- 6. RESIGNATION – ZBA Member**
- 7. SET DATE for PUBLIC HEARING to REPEAL LL 2021-01 (Tax Levy Override)**
- 8. APPROVE APPRAISAL QUOTE for HH3 WELL EASEMENT**
- 9. AUTHORIZE “Tree for Trib” GRANT SIGNATURE**
- 10. MWLL FIELDS REQUEST**
- 11. OC SMASH FIELD REQUEST**
- 12. PARK REQUEST - Arsenault**
- 13. BUDGET ADJUSTMENTS and TRANSFERS**
- 14. MAINTENANCE BILL RE-LEVY**
- 15. ATTORNEY COMMENT**
- 16. PUBLIC COMMENT**
- 17. MOTION TO ENTER EXECUTIVE SESSION – ATTORNEY CLIENT PRIVILEGE**

UPCOMING MEETING DATES:

PLANNING BOARD MEETING:	April 19, 2021
ZONING BOARD OF APPEALS MEETING:	May 05, 2021
VILLAGE BOARD MEETING:	May 11, 2021

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7:00pm – Audit Bills
7:30pm – Regular Meeting

REGULAR MEETING

ROLL CALL

Mayor Lou Medina, Trustee Bruce Chichester, Trustee Sandra Daly, Deputy Mayor Carol Schneider, Trustee Wayne Mitchell, Village Clerk Jane Leake and Village Attorney, Dave Darwin

ABSENT Police Chief, Dan Henderson

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

APPROVAL OF MINUTES

Mayor asked can I have a motion to approve the minutes of March 9th Board Meeting?

MOTION was made by Trustee Daly to accept the minutes of March 9th Board Meeting.

SECOND was made by Trustee Schneider

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Trustee Schneider	
Trustee Mitchell	

Mayor asked can I have a motion to approve the minutes of April 6th Reorganizational Meeting?

MOTION was made by Trustee Chichester to accept the minutes of April 6th Reorganizational Meeting.

SECOND was made by Trustee Schneider

AYE: Trustee Mitchell	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	

ABSTAIN: Trustee Daly

INFORMATIONAL ITEMS

This evening's bills were audited:

Trust & Agency	\$ 1,579.12
General Fund	\$ 105,338.99
Water Fund	\$ 67,142.01

- Up Coming Meeting Dates:
 - Planning Board – April 19, 2021
 - Zoning Board of Appeals – May 5, 2021
 - Village Board – May 11, 2021
- The Village Office hours are 8am-3pm. The Office is still closed to the Public. Phone numbers and contact information can be found on the Village of Harriman Website at villageofharriman.org. There is a lockbox outside the door to drop off water payments and any other correspondence for the Village Hall staff while the building is closed to the public and the box is opened on a regular basis and emptied on a regular basis.
- Water Customers can also sign up for emails for information regarding billing, billing dates or to pay bills online by contacting the Clerk's Office or signing up online for water and general email alerts which is available on the villageofharriman.org Website.
- Brush pick up is continuing – please place untied bundles at the edge of your property with the butt end out not on the street and no grass clippings.

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- There was a Village Election held on March 16th. Congratulations to Trustee Chichester and Trustee Daly for their re-election and Trustee Schneider for election as Trustee.
- We have openings on the Planning Board and Zoning Board of Appeals. If anyone is interested, please submit a letter of intent to the Village Clerk.
- Clean Sweep is April 24th from 8am – 12pm starting at Saint Anastasia’s parking lot. If you want more information, it is available on the monroecleansweep.com website to sign up. A shredder will be available in Harriman at Saint Anastasia for shredding and electronics can be dropped off during that time period at the Town of Monroe Highway Department on Mine Road during the event.
- Family Fun Day has been scheduled for Saturday, September 18th from 1pm – 4pm at Mary Harriman Park. A Commission of volunteers is working on putting together a schedule for advents and for hopefully a safe and fun day.
- A notice will be going out next week to all water customers regarding one well exceeding the minimum level of PFOS in our January and February testing. We are working on blending from other sources, and we had to purchase a new piece of equipment that will be installed in the next couple of weeks to help mitigate the issue. We are also working with our water consultant team and the Department of Health for sampling and testing.
- After our reorganizational meeting I was informed of the PBA Officer’s having a revision to their Officer line up. Officer Matthew Clayton is President and Officer Ludewig is Vice President.
- Agenda Addition:
 - 8 a) WSP Engineering Proposal for a new well HBP 3a

DEPARTMENT REPORTS

Treasurer Report – see attached report
DPW – see attached report
Police Department – see attached report
Water Account Adjustments – see attached report
Court Reports – no reports
Building Department – see attached report
 \$1210.00 Building Permits
 75.00 Demolition
 750.00 Violation Searches
 \$2,035.00

RESIGNATION

Mayor stated we received a resignation effective March 10, 2021 from part-time Police Officer McCann. Mayor read letter.

MOTION was made by Trustee Mitchell to accept the resignation of Officer McCann effective March 10, 2021.

SECOND was made by Trustee Schneider

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

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RESIGNATION

Mayor stated we received a resignation letter from one of our ZBA Members, Elsie Cruz with regret. **MOTION** was made by Trustee Daly to accept ZBA Member Elsie Cruz's resignation letter.

SECOND was made by Trustee Schneider

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

PUBLIC HEARING DATE SET

Mayor stated we need to set a public hearing to repeal Local Law 2021-01 which is a tax levy override. As we passed the 2021-2022 budget below the tax cap at the March 9th Village Board Meeting. Schedule for our next meeting of May 11, 2021 at 7:25pm.

MOTION was made by Trustee Chichester to schedule a Public Hearing for May 11th at 7:25pm to repeal Local Law #1 of 2021.

SECOND was made by Trustee Daly

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

APPRAISAL QUOTE

Mayor stated I received a quote from Certified Appraisal Services which the Board has also received, and this is for an appraisal for the easement property that we are looking to use to bring back online Harriman Heights Well 3 and the cost of the assignment would be \$1,000.00.

MOTION was made by Trustee Daly to accept the appraisal quote from Certified Appraisal Services.

SECOND was made by Trustee Schneider

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

ENGINEERING PROPOSAL

Mayor stated this is an Engineering Proposal from WSP our Water Consultants for bring online HBP 3a which is a new well which has been under development for the last several months. This would be for engineering services related to the interconnection of well HBP 3a into the Village water supply and the plans and technical specifications, or the design package, would be then available for submission to Orange County DOH to obtain authorization for installation and also to support DEC water withdrawal application. This is the first process in bringing the well on-line through DOH and DEC. The estimated cost is \$5,000.00 - \$7,500.00.

MOTION was made by Trustee Chichester to accept the WSP Engineering Proposal at a cost of \$5,000.00 - \$7,500.00.

SECOND was made by Trustee Schneider

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

GRANT APPLICATION

Mayor stated last month I received an inquire from a Professor at the Rockland Community College about the possibility of participating in this grant for Trees for Trib. It is actually seedlings that are planted near tributaries, riverbanks, and I thought it was an interesting opportunity. We met and walked through Mary Harriman Park to find a suitable location and there definitely is one. The grant is supplying the seedlings,

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and this gives us an opportunity of having community involvement in the planting and she is also going to be involving students at the College in her programs she runs there.

MOTION was made by Trustee Daly to approve signing the Grant Application for Trees for Trib

SECOND was made by Trustee Schneider

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

MWLL FIELDS REQUEST

Mayor stated we have a ball field request from the Monroe Woodbury Little League, and we have received their insurance and schedule to use Fields 2 and 3.

MOTION was made by Trustee Daly to approve the Monroe Woodbury Little League Ball Field Application for Fields 2 and 3.

SECOND was made by Trustee Chichester

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

TRAVEL TEAM APPLICATION

Mayor stated we have received a Travel Team Application to use Mary Harriman Park Fields 2 & 3. They have provided the insurance certificate; fee and a schedule has been agreed upon.

MOTION was made by Trustee Chichester to approve the Travel Teams Application for Fields 2 & 3 at Mary Harriman Park.

SECOND was made by Trustee Schneider

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

Deputy Mayor Schneider asked they both understand the bathrooms are closed?

Mayor replied yes, they do. It is on the application. Maybe it can change later in the season, but as of now no. They will remain locked and closed.

Trustee Chichester asked were there any discussion from the MWLL about the fencing for the other field? I ran into him a while ago and he said he was working on it.

Mayor replied some discussion, but no results.

Trustee Daly commented there is no money there. I had spoken to him also.

BUDGET AJUSTMENTS & TRANSFERS

Mayor stated the Board has received budget adjustments and transfers from the Treasurer.

MOTION was made by Trustee Chichester to accept the Budget Adjustments and Transfers stated in the Treasurer's memo dated April 8, 2021.

SECOND was made by Trustee Daly

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

PARK REQUEST

Arsenault – April 29, 2021

MOTION was made by Trustee Schneider to approve the Arsenault Park Request for April 29, 2021 with no bathrooms available.

SECOND was made by Trustee Chichester

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

MAINTENANCE BILL RE-LEVY

Mayor stated the Treasurer is asking to re-levy onto our 2021-2022 taxes unpaid maintenance if not paid by the end of April.

MOTION was made by Trustee Chichester to accept the Treasurer's Maintenance Re-Levy request in a memo dated April 9, 2021.

SECOND was made by Trustee Schneider

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

ATTORNEY COMMENTS

Attorney Darwin stated in regard to the Marijuana Taxation Regulation Act you were asking about the procedure for opting out. Municipalities have the option to opt out in allowing dispensaries and on-site consumption locations. That would have to be done by Local Law subject to permissive referendum. It could apply to dispensaries and on-site consumption sites. Either of them or both of them. I did sit in on this webinar yesterday which wasn't all that it was advertised to be. It was presented by Politicians. So, they spent most of their time patting themselves on the back about what a great job they did in acting this legislation and not getting into the nuts and bolts of this legislation. One thing they did highlight is that the local municipalities that are hosting and of these sites maybe deriving revenue from them so that may be consideration the Village Board may want to take into consideration. If you opt out, you may be losing potential for revenue. Also, localities have the ability to regulate the manner in which these sites conduct themselves. If the Village was inclined to allow them in the Village the Village can regulate the times, hours and method of operations and locations. As long as it doesn't interfere with their ability to conduct their business. The Local Law would be asking the Control Board that is going to be established to exclude the Village from participating with those sites. You have at least 9 months if you are going to adopt a Local Law if you are going to do that.

Mayor stated there is a webinar on the 15th also, presented by NYCOM.

Attorney Darwin replied there is also another one that the Bar Association is presenting. It is a more comprehensive scholarly presentation that I think will dive more into the nuts and bolts of the statute as well.

Mayor stated it sounds like if the Board chose to not allow smoking in Mary Harriman Park as an example, the Local Law could that be restricted?

Attorney Darwin replied anywhere smoking cigarettes is prohibited now smoking marijuana would also be prohibited. I will have to look further to see if you can restrict where smoking can occur, but if someone wants to walk down the street smoking a joint, I don't think an act of law you can't stop them from doing it.

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Trustee Daly stated they always pass all these laws and then they don't realize the unintended consequences on the other side. You think you are doing something great, but you don't see the other side.

Trustee Chichester stated the example you gave about Mary Harriman Park, if currently smoking cigarettes is allowed in there could at some point this Board decide to ban both cigarettes and marijuana from Mary Harriman Park?

Attorney Darwin replied I think so. I think the Board can pass a resolution prohibiting smoking at Mary Harriman Park and that would include both.

Trustee Daly asked when does this all go into effect, is it legal now?

Attorney Darwin replied right now. It is my understanding that possession of up to three ounces is legal effective immediately, but the dispensaries and the on-site smoking locations are not going to go into effect until the Control Board adopts regulations as to how those things are going to be implemented. It may not be this year; it probably will be next year some time when all those things go into effect.

PUBLIC COMMENT –

Jim Kelly – Oxford Lane – We are going to get income from that, but there is also going to be consequence from that. Part of the bill I think says you can grow 3 plants yourself in your own home.

Attorney Darwin stated three mature plants and three immature plants per person per household up to a maximum certain number of people per household.

Mayor asked isn't that after the dispensaries have opened?

Attorney Darwin replied that is correct. That is not effective immediately.

Mr. Kelly stated I can't understand if you are going to be growing three plants or whoever lives in the house is going to be growing plants where the dispensaries will make that much of an income, that I can see. I can see some income coming in, but there is going to be a cost. Just to police what it is. How do you stop somebody driving erratically? Under the influence of alcohol, you have a test. Right now, there is a walking sobriety test. It is something to think about.

Mayor replied I think smoking is not allowed in a car. Although it is public to smoke anywhere. I don't think you can smoke marijuana in a car while driving.

Attorney Darwin stated there are other forms of cannabis besides smoking it.

Deputy Mayor Schneider responded it sounds like such a vague and open law. To me it is like you have a single house over here and what they do in it is their own business and it doesn't affect anyone else, but if you went to where there is 336 units and there is 6 units per side, and somebody is in there smoking away. It literally is coming through the floors and walls. So, people who don't adapt to that. I don't know what they are going to do about the law unless you heard anything. It sounds so open.

Mr. Kelly stated it is a money maker for the State. The State is broke. They are begging for money from the Federal Government right now, but it does give you a lot of income because they have done tests on other States. I think there are 29 States that are legalized. It is a big income. It makes a lot of money and that is what Politicians look at.

Attorney Darwin replied it is called the Marijuana Regulation and Taxation Act.

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Trustee Mitchell stated it does make a lot of money, but it also comes with a lot of expenses.

Mr. Kelly stated they want to keep lower taxes, but people in New York can't even live here anymore because the taxes are getting so outrageous that you don't know what to do.

Trustee Chichester replied it is obvious that it will be an influx of tax money to the State. I am curious to know how much by the time it dribbles down to a Village like ours. How much revenue can actually be seen in here? I just don't imagine at this point that it is going to be all that great compared to the detriment of it.

Mr. Kelly stated I am sure it works by the number of people that live in your community. A small number of people are not going to get much of it.

Irma Escallier – Historian - Lexington Hill – How would the Board feel about preserving several historical deeds that are deteriorating as we speak and if I turn around and take them out, I am doing harm to them, so I need to preserve them. The problem is it is in the \$1,000.00 of dollars to do. I would like to know how the Board feels about it? It is a large expense. I am not going to do it this year. I am going to find out where I can get this done. I can't lament it. If I laminate it, it only lasts three years and then it is a mess to try to do something with it. So that is out of the question. It has to be done professionally and private so that a matter of our history we can have, at least two or three of them. I have talked about it with the Treasurer, and she told me she does have some type of contingency budget where we can maybe do one a year or whatever and I told her to take my personal allowance I have for the Historian and cut it in half because I am not going out right now with COVID and looking around for my bottles that I want to collect.

Mayor stated if you are planning on coming in to see me tomorrow let's talk about it some more.

Ms. Escallier replied that is why I am bringing it up because the whole Board should know what I am up to and why.

Trustee Chichester stated I thought we had some fund set up that could be used for this.

Mayor replied you have a budget, but it exceeds that budget it sounds.

Trustee Chichester stated besides from the budget I thought we had a reserve fund that might be available.

Mayor replied oh there is actually an historical fund. Your right and it is not small as I recall.

Trustee Chichester stated this would be a good opportunity.

Ms. Escallier replied right now what I did, I had to flatten them because they were thrown in a box and when I found them, I had to put pressure on them so I could flatten them. Then I individually wrapped each one, each page. As a matter of fact, one of them I referred to on property that was brought to the Planning Board.

Mr. Kelly stated a lot of the stuff wouldn't be preserved if it wasn't for Irma. Look at the display case.

Ms. Escallier replied I try, and I try to get in but I am part of the public so I can't come in to continue my work.

Mayor stated Bruce is correct there is a reserve fund for the Historical and it is not a small amount. I think it may have been built for a bigger project, but I'm sure we can.

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MOTION was made by Trustee Chichester to Enter into Executive Session for Attorney Client Privilege to discuss litigation and personnel items.

SECOND was made by Trustee Daly

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

At this time, the Village Clerk was excused from the meeting.

The following was given by Mayor Medina:

Executive Session with David Darwin, Esq.

MOTION was made by Trustee Chichester to adjourn Executive Session and return to Regular Meeting.

SECOND was made by Deputy Schneider

ALL IN FAVOR

MOTION was made by Mayor Medina to adjourn Regular meeting at 8:55pm.

SECOND was made by Trustee Mitchell

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk