

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
APRIL 22, 2014

7:00 P.M. – REGULAR MEETING

ROLL CALL:

Mayor Stephen Welle, Deputy Mayor Edward Shuart Jr., Trustee G. Bruce Chichester, Trustee Lawrence Mosca, Trustee Christine Sacher, Village Treasurer Marie Coimbra, and Village Attorney Marissa Tuohy of Ostrer & Associates.

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 4/8/14 & 4/15/14 Board Meeting. The Minutes of 4/1/14 hopefully we will have them for the next meeting.

MOTION was made by Trustee Shuart to accept the 4/8/14 and 4/15/14 minutes as written.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester **NAY:** -0-

Trustee Mosca
Trustee Sacher
Trustee Shuart

INFORMATIONAL ITEMS:

- Monroe Compost Facility will be open on Saturday, starting this Saturday, April 26, 2014 8:00 a.m. to 3:00 p.m. they will be accepting branches and leaves, but no grass clippings.
- Monroe Clean Sweep is this Saturday, April 26, 2014 – 8:00 a.m. till Noon, starting at Saint Anastasia Church.
- Upcoming meeting dates:
 - Zoning Board of Appeals Meeting – May 7, 2014
 - Village Board Meeting – May 13, 2014
 - Planning Board Meeting – May 19, 2014
- Mayor Welle stated that the Planning Board and Zoning Board of Appeals still have alternate positions opened on the Boards. Anyone interested should submit a letter of intent to the Village Clerk.

PROPOSED LOCAL LAW #3 of 2014:

Mayor stated that we need to set up a public hearing for Village Local #3. The public hearing would be on June 10, 2014 at 7:15 p.m.

MOTION was made by Trustee Shuart to set up the Public Hearing.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester **NAY:** -0-

Trustee Mosca
Trustee Sacher
Trustee Shuart

Mayor states to Attorney Tuohy that the first line of the local law says that it will permit Motel or Hotel use. I was pretty sure that in our discussion we stated no Motel use. Tuohy states that she apologizes and will fix that.

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REQUEST WATER ACCOUNT 3002:

Mayor states that there is a letter, they are requesting that the penalty be reversed. For the last two years that have been late every quarter. The latest reading at the remote is the same as the last time. Jane Leake, Water Clerk called to make an appointment to read the inside meter. Jane was told by the woman that she does not want anyone in the house. I don't know what we are going to do about reading. The matter before the board is the late fee. I will need a motion to waive the late fee.

Denied due to a lack of a MOTION.

REQUEST WATER ACCOUNT 3365:

Mayor states that we received a letter from account 3365. They are looking to have the late fee waived. They have a tenant and the tenant paid the late fee. They have a balance of \$11.49. They are looking to have the large late fee returned, even though he didn't pay it. He claims that he is never late, but in the past two years his bill has been late 4 times.

Trustee Sacher asks is it the owner's bill or the tenant's bill? Mayor states it is the tenants? Trustee Sacher asks did the tenant pay the bill and move out, and they just didn't pay the \$11.49? Is the owner responsible for that? The Mayor responds, yes. Trustee Sacher asks was it the same tenant all along? The Mayor says to the best of my knowledge, yes.

Denied due to a lack of a MOTION

PARK REQUEST – Mulligan Eden Post 1573, May 26, 2014

Mayor Welle stated Mulligan Eden Post is requesting use of the pavilion at Mary Harriman Park on May 26, 2014 for their annual Memorial Day Services.

MOTION was made by Trustee Chichester as outlined by the Mayor.

SECOND was made by Trustee Shuart.

AYE: Trustee Chichester

NAY: -0-

Trustee Mosca

Trustee Sacher

Trustee Shuart

Trustee Sacher asks do I need to talk to them? The Mayor responded that he would take care of it when he saw them.

PARK REQUEST – Cornelius, May 31, 2014

Mayor Welle stated Cornelius is requesting use of the pavilion at Mary Harriman Park on May 31, 2014 from 11:00 a.m. to 5:00 p.m.

MOTION was made by Trustee Chichester as outlined by the Mayor

SECOND was made by Trustee

AYE: Trustee Chichester

NAY: -0-

Trustee Mosca

Trustee Sacher

Trustee Shuart

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PARK REQUEST – Wrenn, June 22, 2014

Tamara Wrenn she had submitted and paid and almost immediately called to withdraw. She is seeking a refund since it was not approved. We will need board approval to refund the \$25.00.

MOTION was made by Trustee Sacher to refund the \$25.00

SECOND was made by Trustee Chichester

AYE: Trustee Chichester **NAY:** -0-

Trustee Mosca

Trustee Sacher

Trustee Shuart

PARK REQUEST – HVWWC, August 21, 2014

Mayor Welle stated that the Hudson Valley Water Works Conference is requesting use of the pavilion at Mary Harriman Park on August 21, 2014 for Seminar.

MOTION was made by Trustee Shuart to approve Hudson Valley Water Works

SECOND was made by Trustee Mosca

AYE: Trustee Chichester **NAY:** -0-

Trustee Mosca

Trustee Sacher

Trustee Shuart

Mayor Welle states that we will need for them to submit insurance.

BUDGET TRANSFER

Mayor Welle stated we received a request from the Village Treasurer in a memo dated April 22, 2014

MOTION was made by Trustee Chichester as outlined by the Mayor

SECOND was made by Trustee Shuart.

Trustee Mosca asks don't we have enough money in the police line, if we are down a police officer, isn't there enough money in the budget.

Mayor states that we are not put money into the police line, we are putting it in the Police Overtime and Police Part Time.

Trustee Sacher asks how do you decide what lines you are taking the money from, does it matter?

Mayor states that it has to be in the same fund.

AYE: Trustee Chichester **NAY:** -0-

Trustee Mosca

Trustee Sacher

Trustee Shuart

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RE-LEVY TO VILLAGE TAX BILLS

Mayor Welle stated we need a Motion to authorize the Treasurer to Re-Levy the delinquent water accounts and Unpaid Maintenance inside the Village of Harriman in the total amount of \$14,228.70

MOTION was made by Trustee Chichester as outlined by the Mayor.

SECOND was made by Trustee Shuart.

AYE: Trustee Chichester

NAY: -0-

Trustee Sacher

Trustee Shuart

Trustee Mosca

DPW REQUEST – GARAGE DOORS

Mayor Welle states we have a request from the DPW Superintendent regarding the overhead doors on the firehouse and the DPW building. We need authorization to sign these in the amount of \$400.00 for the Firehouse and \$490.00 for the DPW Building.

MOTION was made by Trustee Sacher to authorize the signature.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester

NAY: -0-

Trustee Sacher

Trustee Shuart

Trustee Mosca

ATTORNEY REPORT:

Mayor Welle asks Attorney Tuohy about Occupations Inc., Raffle Consent Form, do we have any information on that? Attorney Tuohy states that Ben Ostrer was handling that matter, and if the Mayor would like she could step out and give him a phone call. Mayor Welle states lets hold off for that now.

Mayor Welle states do we have any more information on water account 4595. Attorney Tuohy clarifies that they are not present. Mayor Welle confirms no they are not present. Attorney Tuohy states that she spoke with their attorney that the Village would shut off the water today at the board meeting, if they didn't make payment. Their concern is that the water is too high. Attorney Tuohy states that they were informed that it was a leak the irrigation system. Attorney Tuohy states I assumed that they contacted the board because their attorney has been out of town for the last week, but was suppose to be here today. Mayor Welle states that there is nobody here and he would like to know what the board would like to do. Trustee Mosca asked how much is the bill? Mayor states \$48,456.20 and states that this has been going on since August. Attorney Tuohy states send out a letter tomorrow to terminate water. Mayor Welle states we already sent out the letter, and they contacted Ben Ostrer prior to the last board meeting. Mayor Welle asks do we have board authorization to terminate the water tomorrow. Attorney Tuohy restates that I told his attorney that the water was going to be terminated at this meeting and they didn't call or come so I would advise yes. Trustee Mosca asks is this residential? The Mayor stated irrigation system.

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ATTORNEY REPORT(CONTINUED):

Mayor Welle states do we have authorization to terminate service on account 4595, April 23, 2014 at noon, unless payment has been made.

MOTION was made by Trustee Shuart to authorize water shut off for account 4595.

SECOND was made by Trustee Mosca.

AYE: Trustee Chichester

NAY: -0-

Trustee Sacher

Trustee Shuart

Trustee Mosca

Attorney Tuohy will contact Jacobowitz and Gubits and let them know.

Mayor Welle asks attorney about the Office of General Services warranty on the pavement work. Attorney Tuohy responded that she found the original contract which it is a general contact, NY Bituminous is part of that contract. There is no actual time limit. It just states that all repairs, or redial actions necessary to correct damage or deficient areas of recycled pavement shall be carried out at contractor's expense. Under repairs it states that immediately of becoming aware of efficiencies in the mixture, you should contact them to make the repairs. Does not have a time limit, so I would contact them. Trustee Sacher asks is that a warranty? Attorney Tuohy states, no it is not warranty; it is a part of being with OGS. OGS makes it general that the companies must do these things. Attorney Tuohy states that this is the old bid from 2011-2013, the new bid does not have NY Bituminous on the contract, that doesn't mean that replaces this, however I don't think they are with OGS anymore. Mayor Welle states that he will notify them tomorrow.

Mayor Welle asks is there anymore on the gas easement? Attorney Tuohy states not on my end. Will discuss with Ben.

Mayor Welle asks Attorney Tuohy if she has anything else? Tuohy states no and is ask to stay for executive session.

PUBLIC COMMENT:

MIKE HAGOPIAN

160 Route 17M, Harriman

Mr. Hagopian states I foiled the fund balances, and the total fund balances are in excess of 3 million dollars and it not on the budget at all? Is that ear marked?

Mayor Welle says a lot the money is in capital accounts, which is money put away for specific projects, so we don't have to bond money, unless necessary. Mr. Hagopian states there is three different accounts for water, which was confusing to me, you have Water Fund Account, Water Fund Savings, and Capital Water Reserve Fund. That totals over 1 million. Is that money for the tank? Mayor Welle responded that yes a lot of that money will be used for the tank. Mike Hapopain asks about the General Fund accounts, stating that there is 1.5 million dollars in those accounts. Mayor Welle states that there are operating accounts and the other accounts the money is put away. Mr. Hagopian says so we have savings accounts in excess of 1.5 million dollars. The Mayor states that you have to maintain a fund balance, the beginning of June if you don't have any money and everybody waits till the end of June to pay their tax bill the village would have to ceases operations. The village has to have money because you still have a lot of bills coming in.

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PUBLIC COMMENT (CONTINUED):

This all goes into an audit report created by an outside auditor, the state report every year. This is one of the reasons why our Bond Rating is up. Mr.Hagopian states it is a lot of money to be sitting there, I don't understand why are taxes are going up.

Mr. Hagopian then asks what are we planning on doing with 6 South Main. Mayor Welle replied right now we are not doing anything, as I said in the past that is for future use. It was a one time possibility for the Village to obtain that property. The piece of property juts into the Village Hall Park and there are a number of uses for that property in the future. Mr. Hagopian states that than there should be a little amount of money going towards that property this year. Mayor Welle states maintence.

Trustee Mosca than asks Mike Hagopian about the 3 Million dollars, where else is that money?

Mr. Hagopian says miscellaneous accounts, DPW, Police Department, and Employee Benefits.

Trustee Mosca asks what was the total?

Mr. Hagopian states\$ 3,150,339.00, Parkland account is \$80,000.

Trustee Mosca asks the Mayor can Parkland be used for anything?

Mayor Welle states, no.

Mayor Welle states that Capital accounts require a public notice and permissive referendum to take money out of the account which was done for the tank. You just can't take money out of those accounts.

Trustee Mosca asks the mayor can the general fund and water fund be used together, if you wanted to take money out of the general fund for the tank?

Mayor Welle states that you can borrow from a fund but it has to be done as a loan and there are time constraints.

DANNY HEDGES

351 Harriman Heights Road

Village Employee

Mr. Hedges states that if we have so much money in these accounts, we should look into replacing some of this park equipment for the children because it is not looking in the best shape.

Mayor Welle states that would be up to the DPW Super to present to the board.

Mr. Hedges states that Chris Wendt and I just replaced all the chains, thinking that we were saving something.

Trustee Mosca states that we will be having a discussion on that for sure?

Mr. Hedges states that we had the insurance company come down and look at all the equipment and go over it.

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MOTION was made by Trustee Chichester to enter into Executive Session for Attorney Client Privilege.

SECOND was made by Trustee Shuart.

ALL IN FAVOR.

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

Executive Session with Marissa Tuohy, Esq. Robert Conflitti and Darlene DeJesus from the Orange County District Attorneys Office, Community Affairs Bureau were also in attendance.

A **MOTION** was made by Deputy Mayor Shuart to adjourn Executive Session and return to regular session. **SECONDED** by Trustee Chichester.

ALL IN FAVOR.

A **MOTION** was made by Trustee Chichester and **SECONDED** by Trustee Mosca to adjourn the meeting at 8:05 p.m.

ALL IN FAVOR.

Respectfully submitted by _____

Marie Coimbra, Village Treasurer