



# *Village of Harriman*

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Harriman, New York 10926  
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## **VILLAGE BOARD MEETING AUGUST 10, 2021**

**7:00PM – AUDIT BILLS**

**7:25PM – PUBLIC HEARING – Local Law #5-2021 (Smoking Prohibition)**

**7:30PM – REGULAR MEETING**

### **AGENDA**

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES – July 13, 2021**
- 3. INFORMATIONAL ITEMS**
- 4. DEPARTMENT REPORTS**
- 5. NEW HIRE – Building Inspector/Code Enforcement**
- 6. PROBATION RELEASE – DPW MEO**
- 7. STANDARD WORKDAY RESOLUTION**
- 8. LOCAL LAW #5-2021 – Smoking Prohibition**
- 9. DPW TRAINING REQUEST**
- 10. WATER ACCOUNTS – a) 81, b) 391, c) 67**
- 11. EXTENSION of SAM GRANT - #9383 – 12/2022**
- 12. EXTENSION of SAM GRANT - #10621 – 03/2023**
- 13. BUDGET ADJUSTMENT**
- 14. ATTORNEY COMMENT**
- 15. PUBLIC COMMENT**
- 16. MOTION TO ENTER EXECUTIVE SESSION – HR Discussion**

### **UPCOMING MEETING DATES:**

**PLANNING BOARD MEETING:**

**August 16, 2021 – Canceled  
September 20, 2021**

**ZONING BOARD OF APPEALS MEETING:**

**September 1, 2021**

**VILLAGE BOARD MEETING:**

**September 14, 2021**

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**7:00pm – Audit Bills**

**7:25pm – Public Hearing – Local Law #5-2021 (Smoking Prohibition)**

**7:30pm – Regular Meeting**

Public Hearing – Local Law #5

Mayor read:

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law # 5 of 2021 repealing and amending Chapter 113 of the Code of the Village of Harriman regulating smoking on Village Property, pursuant to Sections 10 and 20 of the Municipal Home Rule Law and Article 13-E of the New York Public Health Law, at Harriman Village Hall, 12 Church Street, Harriman, New York on August 10, 2021 at 7:20 p.m. or as soon thereafter as the matter may be heard.

The purpose of this local law is to:

1. repeal the existing sections of Chapter 113 of the Village Code, which regulates indoor smoking on Village property, as redundant of, or inconsistent with Article 13-E of the New York State Public Health Law; and
2. amend Chapter 113 of the Village Code by prohibiting outdoor smoking, including vaping, on certain Village properties including Village parks, playgrounds, recreational areas and on Village property within 25 feet of Village owned or leased buildings.

A copy of the proposed local law will be available for inspection at the Village Clerk's office located at 12 Church St., Harriman, NY.

All persons interested in the subject of the proposed local law will be heard by the Village Board at the above time and place. Persons may appear in person or by agent. All written communications addressed to the Board in connection with the proposed local law must be received by the Village Board at or prior to the public hearing.

Mayor asked were there any written comments?

Clerk replied no.

No Public Comments.

MOTION made by Trustee Chichester to close the Public Hearing

SECOND by Deputy Mayor Schneider

**REGULAR MEETING**

**ROLL CALL**

Mayor Lou Medina, Trustee Bruce Chichester, Trustee Sandra Daly, Deputy Mayor Carol Schneider, Trustee Wayne Mitchell, Chief Daniel Henderson, DPW Superintendent Kyle Livsey, Village Clerk Jane Leake, Village Attorney Dave Darwin

Also, present Jennifer Gargiulo, Candidate for Orange County Legislator representing the 14<sup>th</sup> District And Legislator of District 14<sup>th</sup>, Lauri Tautel,

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**ABSENT**      NONE

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 July 11<sup>th</sup> Board Meeting?

**MOTION** was made by Deputy Mayor Schneider to accept the minutes of July 11<sup>th</sup> Board Meeting.

**SECOND** was made by Trustee Chichester

**AYE:** Trustee Daly  
Trustee Chichester  
Trustee Mitchell  
Deputy Mayor Schneider

**NAY:**  
NONE

**INFORMATIONAL ITEMS**

This evening's bills were audited:

Trust & Agency	\$	933.06
General Fund	\$	162,928.04
Water Fund	\$	22,980.24

- Up Coming Meeting Dates:
  - Planning Board – August 16, 2021, cancelled, next meeting September 20, 2021
  - Zoning Board of Appeals – September 1, 2021
  - Village Board – September 14, 2021
- Village Office hours are from 8am-4pm and by appointment 7-8am. Phone numbers and contact information can be found on the [villageofharriman.org](http://villageofharriman.org) website.
- A lockbox is also available outside of Village Hall entrance for dropping off water payments or any correspondence for the Village Hall staff. We ask that you please do not leave cash in the drop box and the box is emptied on a regular basis.
- Residence and public are also welcomed to sign up for email alerts on the Village website to receive general information or information regarding water bills. You can also pay water bills online at the [villageofharriman.org](http://villageofharriman.org) website.
- Brush pick up continues – we ask that you please place brush untied at the edge of your property with the butt end out and not on the street and we do not accept grass clippings.
- Road line stripping will be done this week. Including the newly paved River Road. I want to extend my thanks again to the DPW crew for all the work they did to complete the River Road project. It looks great.
- Refuse and Recycle Collections schedule for Labor Day week – Harriman residents in the Town of Monroe - there is no pickup on Monday, September 6, 2021. Refuse pick up has changed to Tuesday and Friday during Labor Day week. Recyclables also changed; they will be Thursday that week.
- We do have one alternate position opening on the Planning Board and one vacancy on the Zoning Board of Appeals. Anyone interested please submit a letter of intent to the Village Clerk or contact the Mayor.
- The AUD or the Annual Update Document for Fiscal Year ending May 31,2021 was completed by the Treasurer and distributed to all the Board Members to have a chance to look at and I also want to extend my thanks to Marie Coimbra for once again completing this very large fiscal project.

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- The Village has received the first of two distributions from the American Rescue Plan Act (ARPA). The Treasurer and I have been attended several workshops and webinars explaining the details and the nuances of the plan and the reporting requirements. We are closely looking over the budget and projects to see where it can be best allocated. We will continue to keep the Board updated.
- At last month's meeting the Board approved an RFP (Request for Proposal) for Legal Services Consultants. The Legal Notice was published July 23<sup>rd</sup> and the RFP is posted on the Village website. Proposals should be submitted in sealed envelopes on or before August 20, 2021, at 4pm addressed to the Village of Harriman, c/o Jane Leake, Village Clerk, 1 Church Steet, Harriman, New York 10926.
- The Village will once again be holding its Annual School Supply Drive. New school supply donations can be dropped off at Village Hall, Monday - Friday 8am to 4pm or at the Police Department anytime. We are working with Monroe Woodbury School District to have the donations distributed to children that need them most. Donation drop off deadline is September 1<sup>st</sup>.
- On behalf of the Board, I would like to send Congratulations to the MWLL for winning the Section 3 North State Championship. They worked very hard for this accomplishment, and we are all very proud for them. They also practice and play on our fields which also look great too.
- The Orange County Radio Club is setting up a special Ham radio station in Mary Harriman Park on Saturday, August 21<sup>st</sup> to commemorate the first railroad train dispatch by telegraph in 1851. The event runs all day starting at 10am and additional information is available on the home page of the Village website.
- Lions Club is running a Community Garage Sale event on Sunday, August 15th from 9am – 3pm at the Army and Navy parking lot and property. They registered 16 participants to bring their garage sale items for selling at that location.
- The Family Fun Day is September 18, 2021 from 1pm-4pm. The Committee is working hard on it and as I mentioned before there are some fun new things that are in-store and great items for giveaways.

**ADDITIONS:**

10d) Water Account 793

10e) Water Account 854

13a) Park Application

**DEPARTMENT REPORTS**

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report - Funds \$15.00

Water Account Adjustments – see attached report

Court Reports – see attached report      JUNE \$11,434.00      \$9,215 REMAINS with the Village

Building Department – see attached report

    \$ 795.00      5 Building Permits

    1500.00      10 Violation Searches

    250.00      1 DPW Permit Application

50.00      1 Rental Registration

    \$2595.00

**NEW HIRE**

Mayor stated last month the Board approved hiring a part-time Building Inspector III. A part-time Building Inspector III was hired Monday, July 26, 2021, with a starting salary of \$24.00hr and a six month increase to \$26.00hr subject to Board approval. The workday is a 7 1/2-hour workday, 8-4pm with a ½ hour unpaid lunch

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and the work schedule is Monday, Thursday, and Friday. Pursuant with Orange County Civil Service Rules and applicable law it is also subject to a twelve-month probation period.

**MOTION** was made by Trustee Chichester to approve the part-time Building Inspector III, with a salary of \$24.00hr, 7 ½ hr. workday, 8-4pm, ½ hr. unpaid lunch, Monday, Thursday and Friday, effective July 26, 2021.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

**PROBATION RELEASE - DPW**

Mayor stated the Board received a memo dated July 30, 2021 from DPW Superintendent, Kyle Livsey, for John Froeber's probation release effective August 4, 2021.

**MOTION** was made by Trustee Daly to approve John Froeber's probation release effective August 4, 2021.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

**MOTION** made by Mayor Medina to increase Mr. Froeber's hourly rate from \$28.00 to \$29.00 based on the recommendation and he has certainly approved himself to be an asset to the Department and the Village.

**SECOND** was made by Trustee Chichester

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**STANDARD WORKDAY RESOLUTION**

Mayor stated we need a motion to establish and report the Standard Workday for Elected Officials to the NYS and Local Employees Retirement System based on the activities maintained and submitted by G. Bruce Chichester, Sandra Daly, Carol Schneider, and Justice Sharon Worthy-Spiegl to the Village Clerk.

**MOTION** was made by Trustee Chichester to accept the Standard Workday for G. Bruce Chichester, Sandra Daly, Carol Schneider, and Justice Sharon Worthy-Spiegl.

**SECOND** was made by Trustee Mitchell

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

**LOCAL LAW #5-2021 – Smoking Prohibition**

Mayor read: The Village of Harriman Board of Trustees finds that it is in the public interest to protect the health and safety of its residents and others using, occupying, visiting, or conducting business or recreation on certain outdoor Village properties, not covered by the Public Health Law, from the harmful effects of secondhand smoke by prohibiting smoking on such properties. Therefore, this local law will prohibit smoking and vaping on Village parks, playgrounds, recreational areas, and other outdoor areas identified in the local law. Smoking shall not be permitted, and no person shall smoke in the following outdoor areas; a) Mary Harriman Park b) Edward B. Shuart Jr. Memorial Park, c) all playing fields located on properties owned or leased by the Village, d) any playground located on property owned or leased by the Village and e) outside Buildings owned or leased by the Village of Harriman as follows at all times on any public property within 25 feet of any entrance or exit or window or ventilation intake for any building owned or leased by the Village of Harriman. This local law shall take effective upon filing with the Secretary of State. Also, there were no written or verbal comments.

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**MOTION** was made by Deputy Mayor Schneider to approve repealing/amending Chapter 113 and a new Chapter 113 Prohibiting Outdoor Smoking on certain Village property.

**SECOND** was made by Trustee Chichester

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

Mayor continued signage will be placed in all the parks indicating this once this is filed with the Secretary of State.

**DPW TRAINING REQUEST**

Mayor stated we received a memo requesting training for Nick Torres and Kyle Livsey to attend the Grade B Water Plant Operator Treatment Certification Course. This will benefit the Water Department Operations. It will be at a cost of \$575 each for training, \$480 each for hotel, and in accordance with the organization and Employee Handbook they are entitled to a reasonable reimbursement of meals and mileage.

**MOTION** was made by Trustee Chichester to approve the DPW training request for Nick Torres and Kyle Livsey for their Grade B Water Plant Operator Treatment Certification Course of \$575 each for training, \$480 each for hotel, meals, and mileage.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

**WATER ACCOUNTS**

Account 81 – Penalty Waiver Request

**MOTION** was made by Trustee Daly to approve granting a 1x waiver of fees on Account 81.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

Account 391 – Penalty Waiver Request

**LACK OF MOTION - Denied**

**ADDITION:** Account 854

Account 854 – Service Code Adjustments

Mayor stated this is the account the Board discussed regarding the Monroe Joint Fire District and documentation was delivered to the Board. This is for recalculating their service codes to a lesser fee. It will be changing their service code to a 1 ½ inch Meter and a 3” Fire Flow.

**MOTION** was made by Trustee Daly to approve changing the Monroe Joint Fire Districts fees to a 1 ½ inch Meter and 3” Fire Flow.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

Account 67 – Penalty Waiver Request

**MOTION** was made by Deputy Mayor Schneider to approve granting a 1x waiver of fees on Account 67.

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**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

Account 793 – No Deferred COVID Plan Forms were received for this account. Therefore, I would like to table this until next month. I will reach out to the account to see what deferred payment plan they are hoping to receive.

**SAM GRANT 9383 EXTENSION**

Mayor stated I reached out to see about getting these grants for construction of the new building extended as they were going to be expiring within the next 6-8 months. That has been done and I have received an extension. With respect to Sam Grant 9383 the extension grant is until 12/2022. If and when we need to extend this again, we will be able to and it will be granted for another year.

**MOTION** was made by Trustee Chichester with thank you to the Mayor I will accept the extension of Sam Grant 9383 extension until 12/2022.

**SECOND** was made by Trustee Mitchell

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

**SAM GRANT 10621 EXTENSION**

Mayor stated I reached out to see about getting these grants for construction of the new building extended as they were going to be expiring within the next 6-8 months. That has been done and I have received an extension. With respect to Sam Grant 10621 the extension grant is until 3/2023. If and when we need to extend this again, we will be able to and it will be granted for another year.

**MOTION** was made by Trustee Chichester with thank you to the Mayor I will accept the extension of Sam Grant 10621 extension until 3/2023.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

Mayor continued I would like to thank Senator Skoufis and his staff for their assistance in getting these extensions.

**BUDGET AJUSTMENT**

Mayor stated this was submitted by the Treasurer relating to the 6<sup>th</sup> Capital Contribution from the Shops of Woodbury to receive \$25,000.00.

**MOTION** was made by Trustee Daly to accept the Budget Adjustment request stated in the Treasurer's memo dated August 2, 2021.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Trustee Daly  
Trustee Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

**PARK REQUEST**

LaMarch – October 3, 2021

**MOTION** was made by Deputy Mayor Schneider to approve the LaMarch Park Request for October 3, 2021.

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**SECOND** was made by Trustee Chichester

**AYE:** Trustee Daly

Trustee Chichester

Deputy Mayor Schneider

Trustee Mitchell

**NAY:**

NONE

**ATTORNEY COMMENTS** –

Attorney Darwin stated 4 South Main Street update. Conveyed the Addendum to the Contract to the owners Attorney. The matter has been set for a conference on August 31, 2021, to give them time to review the Addendum and decide whether they want to accept it or not.

Mayor asked we haven't heard anything back?

Attorney Darwin replied the owners Attorney was away on vacation for a week so there was a week delay. I have not heard anything back.

**PUBLIC COMMENTS** –

Legislature Tautel – I just want to let you know. I know September 11<sup>th</sup> is our 20<sup>th</sup> Anniversary this year unfortunately. On September 10 they are dedicating a monument in West Point to the Buffalo Soldiers. The Buffalo Soldiers served from 1907-1947/49 training the West Point Cadets with their equestrian. They were unsung heroes and the best of the best and this is a long-time resident of the Town of Highlands, Sanders Matthew that was trying to get this monument for a long time. He was a Buffalo Soldier. Last of the West Point Buffalo Soldiers and his granddaughter is taking over the Association. They are still not sure of the procedures because of COVID, whether it is going to be an open ceremony or whether it will be something that will be put out by ZOOM. I know the week prior to that there will be events in Highland Falls. There will be a parade. I think there is going to be over 150 of the Buffalo Soldiers Motorcycle Club Members coming through Town so it will be a nice event. They will have something outdoors at the Gazebo for that and I just wanted to extend an invitation to all of you on that and let you know that it was happening over there if anybody had time. Also, this past week I spearheaded and created a Resolution to call for the Governor to resign. All my colleagues in the Legislature and Majority Leader Bonelli joined me as a sponsor on the Resolution. It was passed and thankfully today he has resigned, and we can now focus on the Government and the State bringing us back from some of the effects of COVID and the closures. Hopefully, the Justice System will be swift and strong. There is no place for somebody like that in our society, especially in a leadership role.

Chief Henderson replied I agree with that sentiment.

Mr. Kelly – Oxford – I hate to bring it up, but we are still in a Pandemic and what is the message from the County Legislatures towards getting people vaccinated. We hear that certain areas in Orange County are hot spots. What is the Orange County Legislatures doing?

Legislature Tautel replied in conjunction with our Department of Health. The vaccine is not mandatory. The last mandatory vaccine I remember would be Polio. It is a voluntary thing. The County Health Department has done Outreach in every Community throughout the County, multiple languages, multiple times. They offered vaccine popup clinics. There is another one happening in Newburgh shortly and they also offer for anybody who is home-bound. You can call the Orange County Office of Aging if you don't have a computer. You can also go on the County Website and there is actually a box for homebound people, and you can sign up and they will call you and make an appointment. A nurse will come to your home to administer your vaccine and then they will make the appointment right then and there for your second dose if you are getting a two-dose vaccine versus a single dose vaccine. So, we have reached out and have gone door to door, they have gone to Senior Centers, Community Events and they have done social media blitzes. It is voluntary. We can't force somebody to take the vaccine. You can have a person dying, but they won't take blood because it is against their religion. There is not much we can do about it. Some people are fearful that the vaccine will cause health complications down the road. Nobody knows that. Some people are fearful that it is not enough,



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and it is not going to give them any protection. Where there has been statistically proven that it is 80 -90% depending on attracting COVID or not contracting COVID. Now you have it in your local pharmacies where you can go get shots. With this new Delta variant, it is scary. But that is the nature of this type of novel coronavirus. It is a mutating virus and it will constantly mutate until we totally irradiate it.

Mr. Kelly asked what is word now for the schools? I know the United Teachers Union just came out with requiring all teachers to wear a mask. There are children who can't wear masks that are being exposed to people. If you are working in school and you don't want to get vaccinated, you are no required to.

Legislature Tautel replied the New York Department of Education stated they will be sending out a ruling based on what their requirements will be for masks. As it stands now it is up to each individual school district whether they will require students and faculty to wear masks or not. Unfortunately, Orange County is one of the Counties that as of last week or a week and a half ago we had a 70.66% increase in positive rates for COVID cases, so we are considered a hot spot. So, we have a significant increase, and it is scary.

Deputy Mayor Schneider stated I was listening to Steve Neuhaus tonight and he is going to be going into restaurants and they are going to be vaccinating the undocumented with no questions asked.

Legislature Tautel – if there is no questions asked. It was the same at the POD in Goshen. It is the same thing you can go to the Newburgh Army, and they have the POD there. It is just people are afraid for a variety of reasons.

Mr. Kelly responded you must know where the target area is.

Legislature Tautel replied we have a low vaccine rate. Yes, they do have it by Municipality. I know several months back, when I looked at Highland Falls, they had a very low vaccine rate. There are parts of the County, for whatever reason the people just do not want to get the vaccine and you have a very low vaccine rate. Now what you are seeing is in those areas that four months ago had low vaccine rates are now having high positive COVIDs.

Mr. Kelly asked is it the young generation or the older people not taking the shots?

Legislature Tautel replied I don't know the demographics for Orange County right now. I would have to look into that. I don't know what the current age bracket is.

Mr. Kelly stated well thank you. You have been very informative.

Candidate Gargiulo responded School Boards have been waiting for a long time for NYS guidance and CDC guidance on this and in the 9<sup>th</sup> hour for them to pull away and the locals to have to make a decision for this. My point being is if these people stay on the School Board. God Bless them. It is really a thankless job. They are really being taxed. It was a reckless decision. So, when we think about our School Board Members, they are doing the best they can. There is no wrong or right decision. We have to listen to everybody. So just be kind to everybody, please.

Charles Bazydlo, Esq. outside counsel for 12 Commerce Drive Real Estate LLC we were here last month about our petition to adjust the Zone Line. I came tonight to see if the Board had made a decision about setting a Public Hearing on the petition and go over a schedule if you want to discuss that.

Mayor replied as we mentioned last week when we spoke, we are not putting it on for this meeting and I think you also need to go to the Planning Board. You really haven't presented much more to them. We as a Board will be looking at it. We have already discussed it amongst ourselves, and we will continue. More than likely, we will be setting it at the next Board Meeting.

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Mr. Bazydlo stated so with the Planning Board, the process that is laid out in the Village Law for the Planning Board to make a report on it, it has to be referred from the Village Board over to them. I guess I was looking for the Board to do that referral so they officially have it and then we certainly will meet with the Planning Board when they take up the issue.

Mayor replied we can certainly make the referral and then you can be added to the September 20<sup>th</sup> meeting for that and by then we will have had our next Board Meeting to be able to set the date for Public Hearing. So that is how I kind of see it happening right now.

Mr. Bazydlo stated so we will plan on going to the Planning Board on September 20<sup>th</sup>.

**MOTION** was made by Deputy Mayor Schneider to Enter into Executive Session for discussion with our attorney and HR issues.

**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 Dave Darwin, Esq.

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

**SECOND** was made by Deputy Mayor Schneider

**ALL IN FAVOR**

**MOTION** was made by Trustee Chichester to adjourn Regular meeting at 8:40pm.

**SECOND** was made by Deputy Mayor Schneider

**ALL IN FAVOR**

Respectfully submitted by: \_\_\_\_\_

Jane Leake, Village Clerk