

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
August 8, 2017
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7:00pm – Audit Bills

7:30pm – REGULAR MEETING

ROLL CALL

Mayor Stephen Welle, Deputy Mayor Colleen Farrell, Trustee G. Bruce Chichester, Trustee Sandra Daly, Trustee Frank Borowski, Police Chief Dan Henderson, Village Clerk Jane Leake, DPW Superintendent John Mulligan, Building Inspector John Hager and Village Attorney Dave Darwin

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 July 11, 2017 Regular Board Meeting.

MOTION was made by Trustee Farrell to accept the minutes of July 11, 2017 Regular Board Meeting.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

INFORMATIONAL ITEMS:

- This evenings bills were audited:

Trust & Agency	\$ 1,032.96
General Fund	\$ 120,898.99
Water Fund	\$ 40,480.15

- Upcoming Meeting Dates:

Zoning Board of Appeals Meeting – Special August 15th and September 6th

Planning Board – August 28th & September 18th

Village Board – September 12th

- I attended a couple of shared service meetings at the County that is part of the directive that came down from the Governor regarding shared services this year and they will be implementing a radio plan that all of the Emergency Services Radios will be replaced and that is the project they are putting forward to the State as the shared services project for this year.
- The annexation group of eight municipalities we met several times since the last Board Meeting. On Sunday, July 23rd Trustee Daly and myself attended the Public Hearing in KJ on the Veyoel Moshe which is the sixteen hundred unit development proposed across from the State Trooper Barracks. I did make a statement regarding the proposed project in addition to advising them that I thought it was totally disrespectful to have a meeting on a Sunday afternoon and there was no excuse for not having an American Flag or doing the Pledge of Allegiance as they were still in the United States of America. Their FEIS came out yesterday. It was supposedly adopted Sunday. My comments and subsequent letter did get in it.
- Attended a Public Hearing at the 911 Center of the Orange County Legislature regarding Orange County Sewer District #1 and their desire to spend 5,000,000 dollars and I wasn't much happier there then I was at the KJ meeting. Although 21 Legislatures will vote on this – only 8 were present and they really had no information on where they were spending the money and three of the Legislatures I spoke to said they had no information on how it would really be spent. I did speak out against it because of the lack of information.

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- I attended the Orange County Association of Towns, Village and Cities Meeting in Greenwood Lake and there was a discussion on State Audits and what to expect.
- We are still collecting school supplies for those in need. It can be dropped off here at the Village Hall or out of hours at the Police Station.
- In dealing with NYS DOT regarding Evergreen Road and Route 17 and the lane configuration and the problems with the buses and trucks being forced into oncoming traffic when they come off of 17. After several months they have advised me that it will be part of the exit 131 project and whether it is an additional lane or re-signalizing and restriping hasn't been decided but it has been included in that project.
- Grove Street - we are still dealing with the effects of the cold in place from 4 or 5 years ago and John and I have met with a few people regarding it. We will keep the Board advised.
- When the water bills went out this month a Utility E-bill Authorization form was included so anyone who wants their bills sent by email can fill out the form and that is the way they will receive them in the future.
- The Brush Policy – picked up Monday mornings for the most part unless weather prohibits it. We ask that the brush be put at the edge of your property and not in the road with the butt end out and only tree limbs and branches, not stumps, rocks, etc.
- The Annual AUD has been complete and filed with the State.
- Orange County Veterans – there is information here at the Village Hall for Veterans seeking services. Contact the Village Hall and we will give you information and it is also available on the County Website.
- We received a 2018 Proposed Sewer Budget.
- Next Tuesday and Wednesday are Public Hearings on the Proposed Town of Palm Tree. The Tuesday meeting is at 6:30pm at the Central Valley Elementary School and the Wednesday meeting is at 6:30pm at Bias Rochel Paradise Hall in KJ.
- A couple of months ago we received a letter from a young girl in the Village wanting to do some sort of a sanctuary with all the trees being cut down. Devitt's from New Windsor donated some trees last week which they started to plant today. It looks very good and the girl was very excited about it.
- We do have openings on the Planning Board and Zoning Board of Appeals. Anyone interested please contact the Village Clerk.
- We have one addition: Park Request 8d) Crover

DEPARTMENT REPORTS

Treasurer Report – see attached report

DPW – see attached report - Water Bills \$377,142.42 Delinquents \$427,729.15

Police Department – see attached report - \$15.00 in funds

Water Account Adjustments – see attached report

Court Reports – see attached reports - June \$20,096.50 to the Village \$13,302.00

July \$13,735.00 to the Village \$9,270.00

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Building Department – see attached report

\$ 90.00	Building Permits
\$ 300.00	Violation Searches
\$ 390.00	Total

TAMR SUBDIVISION REQUEST

Mr. Ross Winglovitz with Engineering & Surveying Properties stated TAMR is proposing a subdivision on Maple Avenue and Kearney. This is an existing house on this property and is proposing 4 lots – 2 on Maple and 2 off of Kearney. As part of that process we had our first submission to the Planning Board last month and one of the comments that came up was would we consider a T – turn around for Kearney Avenue. We talked about that option and that is the area in red (referring to map) at the end of Kearney and our clients agreed they would be willing to dedicate that area, but they are not will to do any of the improvements. So they are willing to provide the land free of charge it would be a dedication to the Village. I met with John to discuss the lay out. It would be 30 foot wide and actually 65 feet long and then the area for the dedication would be 50x85 so there will be area for snow removal. On your left is the area of the T – turnaround and on the right is the dedication strip. Part of what we propose is a dedication of the land that is owned in Maple Avenue. The lot has been around for many years and it hasn't been transferred or sold. So 25 feet from center line we are proposing to dedicate to the Village. I spoke with John Russo and he said you guys accept those dedications. It is incumbent by you right to easement anyways. The other side is what we are talking about proposing a turnaround dedication area. The grey area would be the T you could potentially build and that meets the requirement that John and I have gone over in the field and they had no problem doing that dedication. They just don't want to have the expense of actually construct it. The Planning Board wanted us to come in front of you to get your feedback so they know how to proceed.

The Mayor stated obviously the cost to the Village of constructing it is something that will have to be looked into and it will have to be weighed against the benefits to the Village. We will need cost estimates before this Board can move any further on it. I am assuming if the Board was willing to accept it and go that route that you would draw up the metes and bounds and everything else.

Mr. Winglovitz replied as part of the subdivision process when we got to the end of the process and filed the map there would be two deeds drawn up to the Village one for the 25 foot strip and one for the turnaround area. If you don't have the money to do it now and you have it in 5 years from now. It is one chance for you to get that property.

The Mayor asked assuming they go through and get this subdivision when are they looking to build houses there?

Mr. Winglovitz replied they are not builders. They would be looking to complete the subdivision this fall and then sub the lots to a builder that would probably start construction in the Spring.

Trustee Chichester asked if in fact that was grated and accepted by the Village the turnaround area, your clients realize there could be no parking on that area?

Mr. Winglovitz replied yup. That is not a problem, that is a part of the subdivision process we had to show room for three cars on each lot so we have plenty of room for parking.

Trustee Chichester stated and that spot was not one of them that you had to show parking on.

Mr. Winglovitz replied correct. I will meet with John and you guys can get back to me on what your thoughts are. It is laid out so the driveway can be installed now and then it would have to be removed later.

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FRONTIER TELEVISION FRANCHISE AGREEMENT

The Mayor asked Attorney Darwin did you get anything more back on the Frontier Televisions Agreement?

Attorney Darwin replied I am still working on it the minor changes and I also asked them to provide me with citations for the seven other agreements that they said were approved by the State that were similar to the one they are presenting to the Village and I haven't gotten any information from them yet. I reminded them. Is the Board waiting for a revised agreement?

The Mayor replied I think so. We need to have an agreement that you are happy with before we would vote to enter into that.

SETTLEMENT AGREEMENT – Village of Harriman, Loyal and Apple

The Mayor stated I am going to suggest at this time that we enter into a very brief Executive Session with the Attorney and Police Chief to discuss this prior to making any final decision.

MOTION was made by Trustee Chichester to Enter into Executive

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

The Mayor stated continuing on we have an agreement here between the Village of Harriman, Loyal Tire and Auto Center and Apple Auto Body and at this point of time we are looking for a motion to give condition of approval to the agreement as proposed provided that there are no substantive changes made to it and if that is the case at that time Attorney Darwin will advise me so I can sign the agreement.

MOTION was made by Trustee Farrell to approve the agreement as proposed provided that there are no substantive changes made to it and if that is the case at that time Attorney Darwin will advise the Mayor to sign the agreement.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

PARK REQUESTS

Perez – September 10, 2017 – 3-8pm

MOTION was made by Trustee Farrell to approve the Perez Park Request for September 10, 2017 until dusk.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

HVWW – August 9, 2017- Cancelled has been moved to Pine Bush

Buffo – September 2, 2017 – 11-6pm

MOTION was made by Trustee Chichester to approve the Buffo Park Request for September 2, 2017.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

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Crover – August 27, 2017 – 1-6pm

MOTION was made by Trustee Chichester to approve the Crover Park Request for August 27, 2017.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

VILLAGE OF HARRIMAN COMMUNITY DAY

The Mayor stated it was discussed previously that the committee has been meeting to have a Harriman Family Fun Day on September 16, 2017 from 1 – 4pm to be held at the Edward B. Shuart Memorial Playground and the surrounding area.

MOTION was made by Trustee Chichester to approve the Harriman Family Fun Day on September 16, 2017.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

The Mayor stated a lot of work has gone in by those working on the committee and it sounds like it will be a lot of fun activities for children and adults.

MUNICIPAL AUDIT SERVICES, LLC

The Mayor stated we received a proposal from this Municipal Audit Services what they do is verify franchise fees and the taxes on the Utilities. They do take a 45% cut on what they recover. They will not waiver on their price. I did speak to Cornwall on Hudson and they were very satisfied with them. They did not take a whole lot of information from the Village and they went out and came back with a report and then after that you continue to get all the money you are supposed to and they don't get a cut of that.

Trustee Farrell asked is there an upfront fee?

The Mayor replied no. They only get money if we get money.

Trustee Chichester stated so it is 55% found money on the first time only.

The Mayor replied yes and if there is something that has been neglected there will be more out to pay us in the future.

Trustee Chichester asked are we tired in for any length of time.

The Mayor replied they do it and then they are gone. It is up to the Board subject to the Attorney's review.

MOTION was made by Trustee Chichester to accept the Municipal Audit Services proposal subject to the Attorney's review.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

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FUND TRANSER

The Mayor stated we had a Police Officer who stated that his intention was to retire by the end of the month and in order to do so funds would have to be transferred from the Employee Accrued Liability General Fund Back in the amount of \$24,561.49 as per the Treasurers memo of August 3, 2017.

Obviously subject to receiving a letter of retirement from the Officer who is waiting on paperwork.

MOTION was made by Trustee Chichester to approve funds being transferred from the Employee Accrued Liability General Fund Back in the amount of \$24,561.49 as per the Treasurers memo of August 3, 2017.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

VILLAGE CLERK REQUEST – Water Billing Errors

The Mayor stated in switching over to the new water billing software some errors were detected.

Account 288 was being improperly charged for their meter charge. Not being charged enough. Account 536 being charged to much, Account 537 not enough and Account 482 too much. The ones for the credits we have no choose. The other ones was a mistake made by the Village. In the past when the Village has made an error such as this we have waived the difference fee, the last one we had was where the customer had requested that the meter size be changed and in that case we did reach an agreement with them to bill it to make up the difference but these where it was a total Village error it is your choose whether you want to charge them the back money or start with this billing period charging them the correct amount and then the credits we will need to credit them the overage they paid.

Trustee Farrell stated I don't think we should go back and charge being it was our error. I think we should just move forward and notify them of that.

MOTION was made by Trustee Farrell to approve that we do not back bill for the difference owed to the Village on Accounts 288 and 537 and credit Accounts 536 and 482 the appropriate amounts as per Village Clerk memo of August 7, 2017.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

AMERICAN LEGION

The Mayor stated I was approached by a couple of the members. The American Legion meets on the second floor of the building and the VFW on the first floor. The American Legion members are getting older and some of them are in wheelchairs and are unable to get to the second floor. We tried a couple of times over the years to get Community Development to foot the money for an elevator and it never worked out. They're requesting that their one meeting a month on the first Sunday morning of the month at 9am if there is any way we can accommodate them here at Village Hall for a few hours to help there handicap members.

Trustee Chichester stated I would love to help them out.

Trustee Farrell asked about any security concerns?

The Mayor replied that is something I was going to talk to the Police Chief about. About an Officer opening it up for them and then locking it at the end.

Chief Henderson replied not a problem. Just give us the dates and times and we will take care of it.

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The Mayor replied it would be a standard thing the first Sunday of the month at 9am. The place is locked. They would have access to hear and the bathroom. Should we seek to get insurance? I'm sure they have some kind of insurance policy of some sort.

Attorney Darwin replied yes.

MOTION was made by Trustee Chichester to approve The American Legion using the Village Hall on the first Sunday of every month at 9am.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

CAPITAL RESERVE BUILDING FUND

The Mayor stated several months ago we contracted with the Anderson Design Group to do a preliminary assessment and a rough design of a renovation of the Village Hall Building including bringing the Police Department into the same building. This phase has concluded with a determination that it is not cost effective to renovate this building. As it would not cost that much more to construct a new building. To begin that process looking in to the possibility, the Board would need to authorize \$25,000 to begin the design phase to help get to the point that we would seek bonding and grants. We would need to withdraw this money from the Building Capital Reserve Fund. My recommendation would be to authorize withdrawing up to \$310,000 from this fund as it would be subject to permissive referendum and be required to be published in the record. If this project moves forward we would need these funds and that would be the only allowable use for these funds so that if for some reason we didn't move forward the money cannot come out. This way if we approve the whole \$310,000 as we move forward it would not be an issue.

MOTION was made by Trustee Chichester to approve withdrawing up to \$310,000 from the Building Capital Reserve Fund and to publish in the paper and spend up to \$25,000 to begin the design phase.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

ATTORNEY REPORT

The Mayor stated the Fire District Street Opening Bond, have you been able to look at that?

Attorney Darwin replied Bend and I think it is the wrong kind of Bond. They should have a maturity Bond and this is a License of Permit Bond. I will give them a call to see if we can work it out.

The Mayor stated going back to those exemptions for the Assessors I have to meet with you on that. This NYS DOT does the Board have time to review this before next month to adopt this?

Attorney Darwin replied the person I have been dealing with asked if it would be possible to put it on for tonight, but it didn't seem like it was necessary that it would have to be tonight so I think it can wait another month.

The Mayor stated it is up to the Board. They did provide the language that David requested basically they are going to move/replace any water apparatus that has to be at their cost. We may get into a disagreement over it on what we feel that has to be moved/replaced than they do, but that wouldn't be covered by this anyways. One of the concerns is the current water valves would be out in the middle of this new roadway. If the Board wants me to approve and sign this I am okay with that. David was able

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to get the information, but unfortunately I didn't get back to later tonight so I wasn't able to get this out sooner.

Trustee Chichester asked does it not make a difference or would it put us in better stead since they asked about it if we did this?

Attorney Darwin replied there are only a couple of changes to the sample resolution. One was to clarify that the State is going to be responsible for the cost and the Village is not going to be responsible as long as the construction and replacement is in cost. The second change was that the construction would be built to the Village specs. Those are the only two changes to the agreement and resolution.

Trustee Chichester asked you see know down side in doing this?

Attorney Darwin replied no.

MOTION was made by Trustee Chichester to adopt the NYS DOT move/replace any water apparatus that has to be at their cost.

SECOND was made by Trustee Daly

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Borowski

NAY:

NONE

The Mayor stated there was a gentleman on Oxford Lane questioning a Village easement. He would like to purchase the property so he can put a fence across it. He has been maintaining it for 30 years. I will meet with you about it when I receive all the information before bringing it back to the Board. John has been out there along with Orange County Sewer to verify that they had no issues and we still have access to where it was going. One other things we need authorization from the Board to meet with the Attorney. We had been approached by a firm representing Verizon Wireless to put a mini cell at one of our municipal buildings and they are looking to enter into a contract.

MOTION was made by Trustee Daly to authorize the Mayor to meet with the Attorney to discuss the Wireless Company and negotiating with the Company.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Borowski

NAY:

NONE

PUBLIC COMMENT

Mr. Buffo stated thank you for letting me use the park for my son's party. I wanted to sit on a Board Meeting. This is my Village where I live so I want to come and see what is going on. When I owned my Condo in Queens I was on the Board so I can understand how it works. This is where I live now so I wanted to come and say Hello.

Trustee Daly asked would you be interested on joining the Planning or Zoning Board?

Mr. Buffo replied I will stop in and yes I would. It would benefit us all.

MOTION was made by Farrell to enter into Executive Session with David Darwin, Esq. for litigation and Attorney Client Privilege.

SECOND was made by Trustee Chichester

ALL IN FAVOR

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

The following was given by Mayor Welle:

Executive Session with Dave Darwin, Esq.

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

SECOND was made by Trustee Daly
ALL IN FAVOR

MOTION was made by Deputy Mayor Farrell and **SECONDED** by Trustee Daly to adjourn the meeting at 9:25pm.

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk