

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
August 9, 2016
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7:00pm – Audit Bills

7:30pm – REGULAR MEETING

Regular Meeting:

ROLL CALL

Mayor Stephen Welle, Deputy Mayor Colleen Farrell, Trustee G. Bruce Chichester, Village Clerk Jane Leake, DPW Superintendent John Mulligan, Police Chief Dan Henderson

ABSENT

Trustee Borowski & Building Inspector John Hager

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

The Mayor asked everyone to remain standing for a moment of silence in memory of Don Danzeisen whom passed away on this morning. He was the current Planning Board Chairman for the last several years and past Chief of Harriman Engine Company.

The Mayor continued stating I believe he was also a life -long resident of the Village.

APPROVAL OF MINUTES

Mayor Welle asked if there were any changes or additions to the minute of 7/12/16.

MOTION was made by Trustee Farrell to accept the minutes of 7/12/16 Village Board Meeting.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle

Trustee Farrell

Trustee Chichester

NAY:

NONE

INFORMATIONAL ITEMS:

- Upcoming Meeting Dates:
Zoning Board of Appeals Meeting – September 7th
Planning Board – September 19th
Village Board Meeting – September 13th

- This evenings bills were audited:
Trust & Agency \$ 3,636.05.

- 2015 - 2016
General Fund \$ 300.00
Water Fund \$ 647.31

- 2016 – 2017
General Fund \$80,576.34
Water Fund \$47,334.20

Attorney Dave Darwin arrived.

- The Planning Board and Zoning Board of Appeals have openings. Anyone interested submit a letter to the Village Clerk's Office.
- The Bond Resolution for the 400,000 for the SCADA System was published, posted, past the 30 day permissive referendum period and all the paperwork has been filed for that to move forward.

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- The 40,000 that the Village Board allocated out of the Capital Parks Fund for parks has been past its 30 day period.
- We have been advised by our IT Consultant that come the end of this year our server will be five years old and we need to move forward with a warranty for about a \$1,000.00 per year or replace it. The server is about \$8800.00. We are looking into our options.
- We received from the Orange County Sewer District on their proposed 2017 Budget – there are numerous changes in it. The ending result doesn't appear to be too much higher than the current Budget. I did question them regarding the sewer flow meters and all of the meters that are in place are supposedly working and there are six other meters to be installed that have not been designed yet and are budget for. This will allow a much better control on who is pumping what into the Waste Water Treatment Plant.
- The application has been filed with the Department of Health for the permanent solution to the chlorides in the water. We are now awaiting the Health Department approval before we can move further. For several months DPW Superintendent Mulligan and myself attended Hazard Mitigation Meetings with the County and other Municipalities. The last part of this was regarding shelters for emergencies. I responded that we would coordinate with the Town of Monroe and Town of Woodbury. The Woodbury portion of the Village Residents using the Woodbury shelter and the Town of Monroe portion would use the Monroe shelter. I received an email back from Dominick Green from the County asking me if there was anything I could possible do being he has been trying for six months to get an answer from the Town of Monroe. Therefore, I contacted Councilman Cardone who did move forward with it and I just was notified that the Town of Monroe will only be responsible for sheltering those Town residents who don't live within any of the three Villages. The Town of Woodbury responded that if they had a small emergency they would use the one Firehouse which is owned by the Village and if they had a larger emergency they would use the Senior Center. He and the Supervisor stated that if they had a larger scale emergency they would obviously use the High School and it would include the Town of Woodbury Residents including the Village of Harriman. I am sure we will be pursuing this with the legalities of if are because we do pay taxes that support those buildings.

Trustee Chichester asked was part of that discussion be with the Cornwall emergency rooms?

Mayor responded no. This is what the Municipalities have to do with it.

- The annual AUD was filed for fiscal years ending May 31, 2016.
- Town of Monroe again is going after the Bailey Farm Road issue. Apparently the Town Supervisor two weeks ago stated that maybe he will just sue the Village of Harriman over it. This was an agreement between the Village of Harriman Board and the Town of Monroe Board. I believe it was 2011 -2010 in that vicinity. We had a couple of joint meetings with the Town Board at the time. It was agreed that Bailey Farm Road from Melody Lane to the back entrance of Target would be one lane toward Target. It would be stripped on the one side to indicate emergency vehicles only because there was a large concern getting emergency vehicles in and out and the appropriate signage be put in. Lanc & Tully drew up plans. The Town Supervisor, at the time, Sandy Leonard had some comments about additional signs that were added. Everything was given to RD Management, the property owner, and they did nothing. There was also a punch list on some dead trees and stuff that needed to be removed. Nothing has happened in terms of RD. The Town who had the leverage and held the bond. One of Supervisor Leonard's final acts was to release the bond. So there is no money to do anything. This Board has never been of a mind to spend tax payer dollars to finish a project for a developer and I don't see that changing.
- Garbage pick-up for Labor Day week:
 - Town of Monroe side of the Village – 9/6 and 9/9 – Recyclables – 9/8
 - Town of Woodbury side of the Village – 9/10 and Recyclables – 9/8
- Addition Item 16A – DPW Superintendent Request for Training
- Mayor read the following from Police Chief Henderson:

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On Sunday, August 7th at approximately 4am Officer Josefovitz was conducting stationary patrol on North Main Street near the area of River Road. Officer Josefovitz observed a male pull his car over near the corner of River Road and North Main Street. The male exited the car, climbed on the hood and attempted to remove the American Flag that was posted on the telephone pole near the intersection. Officer Josefovitz immediately put the person in custody for attempted larceny. Upon arrest of the 19 year old male he was found to possess 5 more American Flags. Further investigation revealed two of these American Flags were stolen from the Village of Harriman. Three of the Flags are unaccounted for. The defendant was further charged with two counts each of larceny criminal possession of stolen property and criminal mischief. Officer Josefovitz awareness diligent and quick and decisive action is to be commended.

The Mayor stated I go along with that and applaud him for being aware of what is going on and taking action. Two of the flag poles were ruined when this person took them down and hopefully the court will deal accordingly with him. Thank you to Officer Josefovitz for his actions.

- The current water violation notice went out. It is on the high pressure side of the system and again we are in the process of mediating it.
- Addition to Agenda – #6 – Account 3357

DEPARTMENT REPORTS:

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report - \$30.50 in Funds

Water Account Adjustments – see attached report

Court Reports – see attached reports

Building Department – see attached report

\$ 65.00	Building Permits
\$ 25.00	Certificate of Compliance
<u>\$ 300.00</u>	Violation Searches
\$ 4,075.00	Total

Water Bills (were processed and mailed) - \$401,029.40.

Delinquents - \$114,733.90

Total - \$519,590.53

PLAY GROUND EQUIPMENT

John Mulligan stated we are looking at a playset that is \$17,000.00 from NJPA. It accommodates 42 children. The current two slides need to be taken out along with the merry go round. We will replace the merry go round which will come with a mat that will go around it to protect the children. Right now I believe we are a little over \$20,000 in terms of what these items will cost.

The Mayor stated he is not ordering this tomorrow and I encourage you to go and take a look down at the park and ask questions.

Mr. Mulligan stated if anyone wants to do a walk through with me or would like me to pick out other playsets that is fine.

Trustee Farrell responded I have been down there and I know that equipment has to be taken out because it is getting unsafe.

Trustee Chichester stated we have a long time former resident from the Village and they took a tour through and the first thing they missed was the merry go round which they had fun with. I would add my encouragement, that is a great thing and I am glad to see it on here.

Trustee Farrell asked how long would it take to get the equipment?

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Mr. Mulligan replied I read that some of the equipment is like three to four weeks to get.

Trustee Farrell asked are we looking to do this by the Fall.

Mayor replied by the Fall.

APPOINTMENT/RESIGNATION

The Mayor stated in accordance with Section 3-312 of the Village Law this evening I am appointing Sandra Daly as Trustee to fill the vacancy by the untimely death of Edward Shuart. Her term will run through March of 2017.

The Mayor continued stating thank you for your interest in serving. We also received a letter of resignation from the ZBA effective immediately.

MOTION was made by Trustee Farrell to accept the resignation from the ZBA on Sandra Daly.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle	NAY:
Trustee Chichester	NONE
Trustee Farrell	

The Mayor stated thank you for your time serving on the ZBA.

WATER ACCOUNT REQUESTS –

Account 7080 – Penalty Waiver

MOTION was made by Trustee Chichester to grant the one-time only waived penalty for Account 7080.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Farrell	NONE	Trustee Daly
Trustee Chichester		

Account 7317 – Penalty Waiver

No Motion – denied.

Account 6060 –

The Mayor stated the bill is larger than normal due to leaks. The bills have always been paid on time.

The option is we can bill at the initial rate for the entire bill, which would bring it down around \$45.00. I don't know if he is looking for an extension to pay it.

MOTION was made by Trustee Chichester to offer the \$45.00 help or putting him on some kind of plan to be paid up within the next few months if needed being he is never late for Account 6060.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Farrell	NONE	Trustee Daly
Trustee Chichester		

Account 5150 – Penalty Waiver

MOTION was made by Trustee Chichester to grant the one-time only waived penalty for Account 5150.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Farrell	NONE	Trustee Daly
Trustee Chichester		

Account 3357 – Penalty Waiver

No Motion – denied.

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CHIEF REQUEST – TRU Membership

The Mayor stated the Chief presented us this evening with an inter-municipal agreement regarding the joint Special weapons tactic team. The Village Attorney Darwin has reviewed the agreement and had some recommendation changes. We will not be voting on it until we get them worked out with the other municipalities. For informational purposes the Village of Harriman Police Department has participated and cooperated with surrounding departments as a joint effort for several years. Under the tenure of Chiefs DeFilippis and Culver the main purpose of the specialized unit was to deal with the potential of issues at Nepera and the school District. Although Nepera is gone we face much greater issues today. There are numerous Public and Private Schools, Woodbury Common, Entertainment Venues, Major Transportation Arteries and many other areas of concern. Training is conducted regularly so in the event of an issue it can be dealt with swiftly and safely while we must be diligently in maintaining everyone's safety we also have to be mindful of budget constraints. Chief Henderson has been able as were Chief DeFilippis and Culver to maintain our presence on this specialized unit at a minimal cost to the tax payer. Although the Sheriff's Office has a tactical team which covers the entire County for the first line on defense the thinking has always been who knows the local area better and is able to respond faster than the local police. This is the first time that a formalized agreement between all the Municipalities has been presented and I'm sure the language can be worked out and put on a future agenda.

SALT SHED –

The Mayor stated the DPW demolished the salt shed at Mary Harriman Park. The replacement of the salt shed in the park has been an issue for representatives of the Harriman Estate and the Village Hydrogeologist since it was constructed in the 80's. Although we do not have a permanent solution for salt storage it was determined that the shed needed to be removed. We will continue to investigate a long term solution for the salt

BUILDING INSPECTOR PROBATION –

The Mayor stated the Building Inspector was hired effective February 1, 2016 with a six month probation period.

MOTION was made by Trustee Farrell to accept the probation completion on Building Inspector, John Hager along with increasing his salary in accordance with the 2016-2017 budget effective August 11, 2016. accept the resignation from the ZBA on Sandra Daly.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle

Trustee Chichester

Trustee Farrell

NAY:

NONE

ABSTAINED:

Trustee Daly

The Mayor stated I think John is doing a wonderful job.

JCAP GRANT:

The Mayor stated Judge Drian is requesting that we approve his submission of a JCAP Grant this year for the quarter. The same as last year the maximum award would be \$30,000.00. He was able to get about \$15,000.00 last year for security reasons.

MOTION was made by Trustee Chichester to approve Judge Drian submission for a JCAP Grant.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle

Trustee Chichester

Trustee Farrell

NAY:

NONE

ABSTAINED:

Trustee Daly

Trustee Farrell asked is he doing all the administrative for this grant, the compliant officer for this?

The Mayor replied yes

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COURT ACCOUNT ANALYSIS –

The Mayor stated the Village Treasurer is required to do an analysis of the court accounts annually to make sure the numbers add up to what they say they are. It is not an audit just an analysis and this has to be forwarded to the Uniform Justice Court and this has been done by Treasurer Coimbra and filed
MOTION was made by Trustee Farrell to approve the court account analysis to be done by Treasurer Coimbra.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle	NAY:	ABTAINED:
Trustee Chichester	NONE	Trustee Daly
Trustee Farrell		

POLICE OFFICER PROBATION –

The Mayor stated we were notified by Orange County Human Resources that Officer Fred Jimenez needed to have his probation completed. Officer Jimenez is a part-time Police Officer and we have never officially put them on probation as for all intensive purposes they are always on probation. They work at the will of the Chief. This is what Orange County Human Resources is requesting. Had he been on probation it would have been completed on December 23, 2014.

MOTION was made by Trustee Farrell to accept the completion of probation on Officer Fred Jimenez.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Chichester	NONE	Trustee Daly
Trustee Farrell		

PUBLIC HEARING LOCAL LAW #4 –

The Mayor stated we need to schedule a Public Hearing to consider changes to the Village Code. This is something the Building Inspector has been working on along with the Village Attorney. There will be Building Code changes which are required by the State. The changes will be ready in two weeks for review and available to the public.

MOTION was made by Trustee Chichester to schedule the Local Law #4 Public Hearing on September 13th at 7:15pm.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Chichester	NONE	Trustee Daly
Trustee Farrell		

TRANSFER REQUESTS –

The Mayor stated the GATSB 45 actuary numbers and accrued time. General operating fund we need to transfer 79,000.00 from the fund balance to the General Fund Employee Benefit Accrued Liability.

MOTION was made by Trustee Chichester to approve the transfer request for the General Fund Employee Benefit Accrued Liability from the Village Treasurer.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Chichester	NONE	Trustee Daly
Trustee Farrell		

The Mayor continued stating the Employee Accrued Liability on the water side is over funded by \$70,000.00 and she is recommending we move that money from the Reserve Fund to the Capital Water Reserve.

Attorney Darwin commented it can be moved to another reserved fund that is authorized under the same article of the municipal law, which is Section 6P of the General Municipal Law. The only addition to that is that the Fiscal Officers of the Village have to certify that there is an amount left in the fund necessary to cover any obligations there been.

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The Mayor responded she has that on the spreadsheet. There is more than enough here to cover what is required as of June 1, 2016.

MOTION was made by Trustee Chichester to approve the transfer request by the Village Treasurer from the Reserve Fund to the Capital Water Reserve.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Chichester	NONE	Trustee Daly
Trustee Farrell		

The Mayor stated the second transfer has to do with the DPW Union Contract – steel toe boots. It is part of the contract the Village was not taking out of their clothing allowance. This will be to replenish the money into their clothing allowance that were spent on the steel toe boots.

MOTION was made by Trustee Farrell to approve the transfer request by the Treasurer for the DPW Union Contract on the Steel Toe Boots Collective Bargaining Agreement.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Chichester	NONE	Trustee Daly
Trustee Farrell		

PARK REQUESTS –

Kamimura – September 17, 2016 – 9:30am – 8pm

MOTION was made by Trustee Chichester to approve the Kamimura Park Request.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Chichester	NONE	Trustee Daly
Trustee Farrell		

PARK REQUEST – POLICY CHANGE

The Mayor stated due to some reason issues with the pavilion reservation at Mary Harriman Park we need to adopt a policy change and add it to the reservation form. We will need to add photo identification required to reserve the pavilion.

MOTION was made by Trustee Chichester to approve the park request police change.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Chichester	NONE	Trustee Daly
Trustee Farrell		

DPW SUPERINTENDENT REQUEST –

The Mayor stated a request from the DPW Superintendent to send one employee to the American Water Works Association Seminar on the September 27th at the cost of \$80.00.

MOTION was made by Trustee Farrell to approve the DPW Superintendent’s American Water Works Association request.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle	NAY:	ABSTAINED:
Trustee Chichester	NONE	Trustee Daly
Trustee Farrell		

ATTORNEY REPORT –

Attorney Darwin stated the acquisition of the rail bed of Norfolk Southern I did reach out to Kelly Williams for status in which he informed me he will follow up. In regard to the Melody Lane, Mercedes Benz and Mary Harriman Park wetland mitigation the conversations I had with George Litgo the attorney for Mercedes, Melody Lane moving away from the Conservation Easement because of the issues involving potential Parkland alienation and the enforcement clause. The thought was a little to onerous for the Village. The proposal now is the deed restriction which may or may not resolve the alienation

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which a closer call and the draft easement restriction that I looked at enforcement provision is much less onerous than was the one in the conservation easement. It might be a good idea if the Village decides it does want to go ahead and get an opinion from the State Office of Park & Historical Preservation or the Attorney General.

The Mayor stated not a problem.

PUBLIC COMMENT –

No comments.

MOTION was made by Chichester to enter into Executive Session for Attorney Client Privilege and Litigation item.

SECOND was made by Trustee Farrell.

ALL IN FAVOR

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 Farrell.

ALL IN FAVOR

MOTION was made by Trustee Chichester to authorize Attorney Darwin to have a certain property in the Village appraised.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle

Trustee Chichester

Trustee Farrell

NAY:

NONE

ABSTAINED:

Trustee Daly

MOTION was made by Trustee Farrell to authorize Attorney Darwin to have a title search conducted on 103-3-4.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle

Trustee Chichester

Trustee Farrell

NAY:

NONE

ABSTAINED:

Trustee Daly

MOTION was made by Trustee Chichester and **SECONDED** by Trustee Farrell to adjourn the meeting at 9:08pm.

ALL IN FAVOR

Respectfully submitted by: _____

Jane Leake, Village Clerk