

7:15PM - PUBLIC HEARING – Local Law #5

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of

Harriman will hold a public hearing on a proposed local law # 5 of 2017 amending and revising various sections of the Code of the Village of Harriman pursuant to Sections 10 and 20 of the Municipal Home Rule Law at Harriman Village Hall, 1 Church Street, Harriman, New York on December 12, 2017 at 7:25 pm or as soon thereafter as the matter may be heard.

This local law, if adopted, will amend: 1) § 74-5 (2) (“Service Charges”) by adding a provision that the charge for services performed by Village employees will also be calculated in accordance with the Village of Harriman collective bargaining agreements and any other Village of Harriman employment agreements and union contracts; 2) § 74-5 (3) (“Water Rates and Billing”) by deleting a redundancy in subsection (a) and adding a new subsection clarifying that water charges will be assessed for all water passing through meters; and 3) § 74-7, relating to fees, charges and procedures for delinquent accounts, including levying delinquent accounts on property tax bills.

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.

BY ORDER OF THE VILLAGE BOARD

Village of Harriman

Jane Leake, Village Clerk

The Mayor asked have we received any comments on this proposed Local Law.

Ms. Singer replied no we have not.

The Mayor opened the Public Hearing for any comments.

MOTION was made by Trustee Farrell to close the Public Hearing.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

7:00pm – Audit Bills

7:30pm – REGULAR MEETING

ROLL CALL

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

ABSENT: Building Inspector John Hager.

Also present were two High School Seniors.

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The Mayor asked everyone to stand for the Pledge of Allegiance

APPROVAL OF MINUTES

Mayor Welle asked if there were any changes or corrections to the minutes of November 14, 2017 Regular Board Meeting with correction on Motion.

MOTION was made by Trustee Chichester to accept the minutes of November 14, 2017 Regular Board Meeting.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

INFORMATIONAL ITEMS:

This evening's bills were audited:

Trust & Agency	\$ 3,275.50
General Fund	\$ 273,824.11
Water Fund	\$ 130,470.28

- Upcoming Meeting Dates:
ZBA – January 3, 2018
Planning Board –December 18, 2017
Next Village Board – January 9, 2018
- Additions:
14A RBT proposal for the court.
14B Judgement against the Village of Harriman Police Department from 2007
14C Appointments
14D Budget Modification
- School supply drive continues and will continue through the year.
- Last Friday we concluded the hat and glove drive. It was very successful. It was well over 100 hats and gloves. Marie and I took it up and dropped it off. It was very much appreciated and I'm sure it will be appreciated by the recipients.
- The Exit 131 project, there's a public meeting on Thursday at 7pm at Central Valley Elementary School. It is a meeting, not a Public Hearing. According to the Department of Transportation no further Public Hearings are required. Although the plans have drastically changed, they are going to take input but it is not a Public Hearing.
- The Village continues to pick up brush. We ask that you place it on your property, not in the street, with the butt end out.
- Leaf pickup has concluded. If there are any out there tomorrow, they will be picked up. Fortunately this year, regardless of the snow, we were able to continue to, but most people had finished anyway.

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- We do have information from the NYS Public Service Commission on Winter Outreach for those who are having difficulty managing their energy costs. Any questions, you can contact Village Hall.
- Garbage Schedule for Christmas week and New Year's week:
Monroe Side – Tuesday, both weeks, December 26th and January 2nd and Friday December 29th and January 5th.
Recycling both weeks will be Thursday December 28th and January 4th.
After that it will go back to the normal Monday/Thursday garbage, Wednesday recycling pickup.
Woodbury Side – Recycling will be picked up Thursday December 28th and January 4th.
Garbage pickup will be on Saturday December 30th and January 6th.
- No overnight street parking in the Village from November 1st to April 1st 11pm – 6am and anytime there is a snow event with 2" or more there will be NO PARKING at all on the streets until such snow has been removed.

DEPARTMENT REPORTS

Treasurer Report – see attached report
DPW – see attached report
Police Department – see attached report
Water Account Adjustments – see attached report
Court Reports – see attached reports

Building Department – see attached report

\$ 520.00	Building Permits
\$ 75.00	Demolition Permit
\$ 600.00	Violation Searches
<u>\$ 00.00</u>	Building Permit Extension
\$ 1,195.00	Total

LOCAL LAW #5 -2017

Local Law #5 2017 was held, with no written or oral comments, with the Board's pleasure we need a motion to adopt it.

MOTION was made by Trustee Chichester to adopt the Local law #5 as written.

SECOND was made by Trustee Daly.

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

SET PUBLIC HEARING - LOCAL LAW #1 - 2018

We need to set a Public Hearing for Local Law #1 2018 in regard to exceeding the 2% tax cap levy on our next budget. We will schedule the Public Hearing for January 9, 2018 at 7:25pm.

MOTION was made by Trustee Farrell to schedule a Public Hearing for January 9, 2018 at 7:25 to discuss the Local Law #1.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

WATER ACCOUNT REQUESTS

Mayor Welle: Accounts 98 and 673, both of these contain personal issues which we will need to discuss in Executive Session and come back out to make any decisions that are going to be made.

NOTICE OF VIOLATION

Mayor Welle: We did receive a Notice of Violation, dated December 4th, regarding exceeding the uranium level on Harriman Height 2. Harriman Heights 2 was shut off on October 2nd and has not been running since then, we knew this was coming but unfortunately it didn't come with the other ones so a separate notice has to go out. This is in the hands of the hydrogeologist to write the letter and get the approval from the Department of Health and then it will be sent out to everyone.

ASBESTOS PRE-DEMOLITION SURVEY

Mayor Welle: With the project moving along with the new Village Hall, we have to have an asbestos inspection done. Conditions were drawn up by the Anderson Design Group, they solicited for bids, different companies came and looked, and their recommendation is that we contract with the low bidder of ABS Environmental Services which has a base cost of \$1,265.00 with the additional samples that may or may not be required, listed at a cost. In all probability the cost will be higher than \$1,265.00 but when they based it upon the other quotes, this is what they came up with and it's all based upon the number of samples that must be taken to determine what is and what is not asbestos in this building. We need authorization to contract ABS Environmental Services for this inspection.

MOTION was made by Trustee Chichester to contract ABS Environmental Services as outlined by the Mayor.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

PUD ZONING CODE

Mayor Welle: Section 140.37 of the Village Code allows for PUD (Planned Unit Development) in a PAD (Planned Area Development) Zone. It appears that there is a conflict and some omissions in the Code regarding PUD guidelines; we are going to need to address this, send it to the County Planning Board for review. Deputy May Farrell and I have met with the Village Attorney, Planning Board Attorney, Village Engineer and the Building Inspector regarding this and we are going to have to further address it to find what is necessary. We will be working on that and later schedule a Public Hearing in the New Year to make some potential changes to the Code.

SURPLUS PROPERTY 103-3-4

Mayor Welle: The Board has discussed Lot 103-3-4, which is the parcel behind the Edward Stuart Memorial Park. This property has not been utilized for several years, it's zoned R50, and it can accommodate three building lots. In order to move forward, I would like to authorize hiring an appraiser to work with Lanc & Tully to investigate the best way to subdivide it and the best options for the Village regarding this property. If we are going to authorize an appraiser, at the same time I believe we should have the appraiser put a value on the Police Station building so we have an idea when the time comes what we should be looking for in terms of money from that building. We are not declaring this property at this time; it's just starting the process.

MOTION was made by Trustee Farrell to hire an appraiser

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

POLICE OFFICE – FILL VACANCY

Mayor Welle: The Chief has conducted interviews of candidates for a police officer to fill the vacancy created by the retirement of Police Officer Motz. At this time the Chief would like authorization to hire Douglas Hansen at the salary of \$50,847.00 in accordance with the PBA contract upon his successful completion of the required medical exams. The start date would be determined by the Chief as well as the probation period which would be the maximum probation period allowed. At this point we don't know what that is.

MOTION was made by Trustee Daly to authorize the Chief to hire Douglas Hansen pending the successful medical outcome.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

DPW – WINTER SEASONAL POSITION

Mayor Welle: The DPW Superintendent has requested that we have a winter seasonal employee. He would like to hire Nick Torres as the seasonal for the winter effective January 16th through May 11th at the rate of \$13.00 per hour.

MOTION was made by Trustee Chichester to approve the motion as outlined by the Mayor.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

Mayor Welle: Nick has been a seasonal employee here and it ends December 31st, part time, as needed and he's worked out very well.

NEW GOVERNMENT CENTER INFORMATION

Mayor Welle: Everyone has seen the renderings already. I believe it's time to release them to the public. I have provided the Board with updated pricing. The architect feels comfortable that this would be a maximum price, which is \$3.9 million. Everything is moving along, it's on schedule for April to commence with demolition. I have secured a \$250,000 grant and \$140,000 grant but in order to move further with them because they're from the State of New York, we have to have the bonding in place to pay for it. The recommendation at this time, after speaking with the Treasurer, although it was approved and up for permissive referendum a \$4 million bond, that we go for a \$3.2million bond for a maximum of 30 years. The time frame will be determined by the bond counsel as the best rates. We will get more information on that, there may be significant difference in dropping it down to a 25 year and still be able to afford to do it.

MOTION was made by Trustee Chichester to authorize a \$3.2million bond to continue on so the grants are waiting when we need the money to pay the bills.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

Mayor Welle: Even though its \$3.9 million, between the two grants, and the \$310,000 that we had originally approved for this project, it brings it to just over \$3.2 million and we know there will be other monies coming to us but we have to have the full amount to satisfy the state.

Trustee Chichester: As we've discussed previously, if we tried to renovate it would cost more so this is the best option,

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Mayor Welle: This provides more space than renovating. There were a lot of unknowns with the renovating also.

RBT PROPOSAL

Mayor Welle: This is for the order of procedures for the court. It's not a full financial audit. They do some spot checking and they audit procedures for the amount of \$2200.00.

MOTION was made by Trustee Daly to authorize the Mayor to sign an agreement with RBT.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Borowski	

JUDGEMENT AGAINST POLICE DEPARTMENT IN 2007

Mayor Welle: Along with Lot 103-3-4, in 2007 there was a judgement filed against the Village of Harriman Police Department involving a 207C case. Apparently it was never resolved, at this time in order to settle it, we have to pay the judgement of \$273.50 plus interest from January 2007 to January 1, 2018 and the total is \$544.27. With the approval to do this the satisfaction would then be filed and that would clear the title on the property in the back so that when the time comes to sell it, there will be no title issues.

MOTION was made by Trustee Farrell to authorize payment, resolving the judgement.

SECOND was made by Trustee Daly

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Borowski	

Mayor Welle: We will make sure that the check goes to our attorney and he will forward it to the appropriate people.

APPOINTMENTS

Mayor Welle: I would like to appoint Lou Medina to the Zoning Board of Appeals as a member, term ending March 2020.

MOTION was made by Trustee Daly accept Lou Medina as a Zoning Board of Appeals member, term ending March 2020.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Borowski	

Mayor Welle: I would like to appoint Jim Kelly to the Planning Board as an alternate, term ending March 2020.

MOTION was made by Trustee Chichester accept Jim Kelly as Planning Board alternate, term ending March 2020.

SECOND was made by Trustee Daly

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Borowski	

Mayor Welle: We still have a couple of vacancies.

BUDGET MODIFICATIONS

Mayor Welle: This budget modification is due to the insurance recovery that we received on the Orchard Hill Booster Station. Someone hit the hydrant, fence and narrowly missed the building. We have to show the revenue coming in as an insurance recovery and appropriate the money to the expense lines.

MOTION was made by Trustee Chichester to approve a budget modification dated December 12, 2017 as outlined by the Mayor and the memo from Marie to the Board.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

ATTORNEY REPORT

Mayor Welle: Is there anything on the Bound Brook property?

Mr. Darwin: I received an email from one of the relatives of the heirs who said there is one last hold out that they are still trying to bring into the fold. There's not much that we can do about that right now.

Mayor Welle: Anything on the Frontier Television franchise?

Mr. Darwin: I have not heard back from Frontier. I sent the marked up franchise agreement, incorporating the comments and changes that we had discussed. I made a phone call after I sent that draft also just letting them know that the Board has an issue with a waiver of the five year build out. They said thank you for letting us know, we'll incorporate that into our review of your draft. I haven't heard back from them yet. And there are a couple of litigation issues for Executive Session.

PUBLIC COMMENT

There were no public comments.

MOTION was made by Trustee Chichester to enter into Executive Session for litigation and attorney/client privilege.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

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

The following was given by Mayor Welle:

Executive Session with David Darwin, Esq.

MOTION was made by Deputy Mayor Farrell to adjourn Executive Session and return to the Regular Session.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

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MOTION was made by Trustee Daly, on water account 98.0, to waive the termination fee, restoration fee and out of hours fee due to conflicting information on Village web site. The owner is responsible for the water bill and the late fees and penalties to the Village (\$142.80 + \$44.28 = \$ 187.08). Waive termination fee, restoration fee and out of hours fee (\$50.00 + \$50.00 + \$200.00 = \$300.00) to be credited to account. Customer is responsible for the \$19.25 fee paid to the credit card processor.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

MOTION was made by Deputy Mayor Farrell on water account 673.0, due to extenuating personal circumstances involving Family Court; the Board will delay any action awaiting further information until February 13, 2018.

SECOND was made by Trustee Daly.

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

MOTION was made by Trustee Borowski to adjourn Regular meeting at 9:20pm.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

Respectfully submitted by: _____

Barbara Singer, Deputy Clerk