

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
December 11, 2018
Page 1

7:00pm – Audit Bills

7:20pm – Public Hearing LL’s 8 & 9

7:30pm – Regular Meeting

PUBLIC HEARING

Mayor read the following:

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold public hearings on two proposed local laws. Local Law no. 8 of 2018 would amend Chapter 74 of the Village Code (“Fees”) and Chapter 136, § 136-5 of the Village Code, relating to the use of fire hydrants. The Local Law would amend § 74-7 of the Code (“Unpaid and delinquent accounts, charges and late fees”) to clarify that partial payments of water bills will remain subject to the provisions of the Code applicable to Delinquent Accounts; and amend Chapter 136, § 136-5 (“Regulations governing fire hydrants”) to require a \$1,000.00 security deposit to obtain a permit for fire hydrant use.

Local Law no. 9 of 2018 would amend § 74-5(J) of the Village Code, increasing the towing license fees effective January 1, 2019.

A hearing on each proposed local law will be held in the Village at Harriman Village Hall, **at its temporary location at 12 Church Street, Harriman, New York (formerly the Harriman School)** on December 11, 2018 at 7:20 p.m. or as soon thereafter as the matter may be heard.

All persons interested in the subject of the proposed local laws 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 did we receive any written correspondence?

Clerk replied no.

Mr. Kelley – Oxford Lane – the rates that are being charged who sets them? Is it because of the towing company?

Mayor replied those rates you are looking at are not subject to the Local Law. The Local Law has to do with the licensing fee not the rates that the towers are able to charge. That is for the fees that the tow truck operators are allowed to charge when we call them before they can get to that they have to pay for a license. Those are the current and proposed fees that the Board will entertain later which is not subject to a Local Law.

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

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
December 11, 2018
Page 2

REGULAR MEETING

ROLL CALL

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

ABSENT John Hager, Building Inspector

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 George Herbert Walker Bush the 41st President who passed away a couple of weeks ago.

APPROVAL OF MINUTES

Mayor asked if there were any changes or corrections to the minutes of November 13, 2018 Regular Board Meeting.

MOTION was made by Trustee Daly to accept the minutes of November 13, 2018 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 \$ 3,912.78
General Fund \$ 42,499.43
Water Fund \$ 67,656.39

Upcoming Meeting Dates:

ZBA – January 2, 2019
Planning Board – December 17, 2018
Village Board – January 8, 2019

- We continue to pick up brush on a weekly basis – put at edge of property not in the street or on the sidewalk.
- Leaf pick up has ended for this year. This Monday was the last day for the season and it has been posted on the Village Website.
- Snow Ordinance – Section 132.15 there is no overnight parking between the hours of 11pm – 6am from November 1 through April 1 and in the event of any snow fall there is no parking at all on the street until the snow has been cleared. We ask for everyone's cooperation in that.
- Garbage Collection for Christmas Week and New Years Week

Monroe Side of Village – Christmas Week
Monday, December 24 and Friday December 28. Recycles Thursday, December 27th
New Year's Week
Monday, December 31 and Friday, January 4 and Recycles Thursday, January 3

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

December 11, 2018

Page 3

Woodbury Side of Village – Christmas Week
Saturday, December 29 and Recycles Thursday, December 27
New Year’s Week
Saturday, January 5 and Recycles Thursday, January 3

- We do have openings on the Planning Board and Zoning Board of Appeals - anyone interested please submit a letter to the Village Clerk.
- The Hat and Glove Drive concluded this past Monday. We collected 172 pairs of gloves and 67 hats, which were donated to people in need and we thank everyone for their generous donations and know it will help several people this year.
- Clean Sweep has been set for April 27, 2019. It will begin in the parking lot of St. Anastasia’s again. We are looking into the potential of having paper shredding, as we did last year and additional this year, we are looking to partner with the Town of Monroe to do the electronics’ the same day. As we get closer there will be more information.
- Within the Monroe Woodbury High School Athletic Association there were two Soccer Teams this year that won the State Championships – the boys and the girls and last week we handed out Proclamations that were signed by all Board Members and as we have done at the previous meeting, we Congratulated the Teams for their victories this year.
- We were notified by the NYS Department of Transportation that they are going to renumber all of the exits on Route 84. Just be aware that this is a project that they will be starting.

ADDITION:

11a) Budget Transfer

- From the Office of the District Attorney we have brochures on Speak Up to Stand Up Against Hate. There is literature here regarding hate speech and hate comments.
- I have been advised by Harriman Engine Company that on Saturday, December 22, 2018 commencing at noon Santa Claus will be going through the Village and the surrounding area.
- Trustee Chichester – on November 28 I attended Senator William Larkin’s Retirement Dinner. Senator Larkin has been very important in Orange County and our area and especially to the Village. He’s been very good over the years in getting us grants for needed items of equipment and buildings. I first remember Senator Larkin when we were having accidents at the intersection of Route 17M and Harriman Heights Road. I called DOT at the time and was told that there was a waiting list, Sorry Mayor, we have had this in other places. I called the Senator and within two weeks we had our traffic light. So, the Senator was very important and at his dinner he thanked everybody; his staff, etc. and in typical fashion he said, I may be retiring, but if you need me, I am only a phone call away. It was an enjoyable evening.

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

\$ 360.00	Building Permit
<u>\$ 500.00</u>	Violation Search
\$ 860.00	Total

INTERMUNICIPAL AGREEMENT

Mayor stated as we do every year, we have an Intermunicipal Agreement with Orange County to collect STOP DWI funds. This year we are entitled for \$1,635.00 in reimbursements.

MOTION was made by Trustee Chichester to approve the Intermunicipal Agreement and authorize the Mayor to sign.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

2 MAPLE AVENUE

The Mayor asked Attorney Darwin do you have an update?

Attorney Darwin replied no contact at all. I sent a letter to five different individual Officials of the Lender, but I have not heard anything back and it has probably been about a month since I sent them.

Mayor asked where do we go from here?

Attorney Darwin responded it is up to the Board. The bank doesn't own the building and they don't want to own the building, but they have been put on notice of the Board's intentions. It is up to the Board if you want to go ahead with the demolition at this point or wait and see if the County takes the building for taxes or you can just keep it secure. The Board did go through the procedures of the Local Law. If it presents a danger to human health and safety, then you have the right to demolish the building.

Mayor stated the biggest concern, I believe, if there were a fire in the building the close proximity to the other structures right there. That is my major concern for safety.

Attorney Darwin responded what you are suggesting is a potential danger, but not an immediate imminent threat. There is no legal reason that you couldn't demolish it, but there is a practical reason you might not want to because there is a lender that has a security interest in the bank that is holding a loan, somewhere in the neighborhood of \$300,000.

Trustee Farrell stated this can go on potentially forever.

Attorney Darwin replied two of the options I looked at were; one the Zombie Property Law and I don't know if this building qualifies under that statute or not. It applies to only units that have four living units or less and there are some other criteria's, that is not clear this building fits under that statute. The other statute allows the Village to initiate a special proceeding to take title to the property and then under that statute you can go in and charge back to the owner the cost of securing the property, etc. which you may be able to do under the Village Code anyway. If you took title to the property, then you could do whatever you want too.

Trustee Farrell asked then where does the lender fit?

Attorney Darwin replied the Lenders interest then is extinguished. With demolishing the building, the Lender hovers in the shadows. With potential exposure that the Lender is going to wake up and come after you for destroying its security interest or we can take title to the building and extinguish the loan.

Mayor stated and then we would be stuck with all the cost and have a piece of property that is not worth what we invested into it.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
December 11, 2018
Page 5

Trustee Chichester asked if the Lender came after us for demolishing its interest, how does he and what rights does he have if we done everything legally?

Attorney Darwin replied one argument the Lender may have and I'm not saying it will be successful, is they might say they have a property interest in that property and they can't be deprived of that property in do process of law. It would be a due process argument.

Trustee Chichester asked if we properly notify him and he doesn't reply?

Attorney Darwin stated the question is what is proper notice. We sent letters to the Lenders informing on the Villages intentions included that the building might be demolished. Whether or not that satisfies do process. I would argue that it does, but the bank might argue it doesn't. I think the Village has done everything it can to put everyone who has an interest in the property on notice of its intentions.

Mayor asked at this point if you were to draw up paperwork to put it out to bid, you could have that ready for the January meeting and that would give another few weeks if they were going to respond.

Attorney replied you could do that.

Mayor asked is the Board interested in that?

All Board Member replied – Yes.

Mr. Coleman – 4 Maple – there is a light on the second floor 24 hours a day and there is a sign that was just posted.

Mayor replied O & R posted it. The light will be going out shortly.

TOWING FEE SCHEDULE

Mayor stated the current towing fee schedule has been in effect since January 2008 with no increases. The proposed rates are the same as the Town of Woodbury rates. In fairness to the Tow Operators we looked at increasing the rates and these are maximum rates they can charge.

MOTION was made by Trustee Chichester to approve the proposed towing rates

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

LOCAL LAW #8

Mayor stated Local Law #8 requires a \$1,000.00 security deposit to obtain a hydrant use permit and would clarify delinquent water bills and partial payments will still be subject to late fees and penalties.

MOTION was made by Trustee Daly to adopt Local Law #8 2018.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

LOCAL LAW #9

Mayor stated Local Law #9 increases towing license fee from \$300.00 to \$500.00 a year and from \$100.00 to \$250.00 per year for licenses issued after August 1st and this will be the first increase from 2000.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
December 11, 2018
Page 6

MOTION was made by Trustee Farrell to adopt Local Law #9.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

WATER ACCOUNT REQUEST

Account 623 – Relief on bill due to water softener – they wound up using 108 thousand gallons for the quarter. As we have done in the past the Board has voted to reduce the rate to the lowest rate for the entire amount of water usage, which will lower their bill from \$647.70 to \$469.50. A difference of \$178.20 decrease in their bill. The money would be credited to there account being they have already paid this.

MOTION was made by Trustee Borowski to approve adjusting Account 623 water bill to the lowest rate.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

BAILEY FARM ROAD – RESOLUTION

Mayor stated the State didn't like the Resolution that we adopted in September 2016. Resolution to accept Bailey Farm Road as a Village of Harriman Street from Melody Lane to the Town of Monroe line. This is a one way, one lane 30-foot-wide asphalt road .07 miles in length.

MOTION was made by Trustee Daly to adopt the Bailey Farm Road Resolution.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

BUDGET TRANSFER

Mayor stated we have a budget transfer request from the Village Treasurer dated December 11, 2018.

MOTION was made by Trustee Chichester to approve the Treasurer's Budget Request of December 11, 2018.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

ATTORNEY REPORT

Attorney Darwin stated we did get a revised Lease Agreement from Verizon. There are a couple of blanks that need to be filled in.

Mayor replied John Lanc is in the process of responding to them of their last comments on location and he should be responding before the end of this week and then those blanks should be able to be filled in.

Attorney Darwin stated the way in which they pay for electricity is one of the open questions.

Mayor replied they are going to be responsible for their own meter. One of the other things that was picked up this week, will have to address it. The Village Code 136-6a has to do with specifications on the

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
December 11, 2018
Page 7

pipe and fittings, valves and everything else. I know the intent was that everything be made in the USA when this was written, but unfortunately it doesn't really say that. So, we are going to have to address that and under k it is location of water mains and both of these we need to incorporate unless otherwise approved, but I will get you further information so hopefully by the next meeting you can prepare something for this and set a public hearing for that.

Trustee Borowski asked is there any update with Superior and the Heritage Trail?

Mayor replied the owner's bank has been slow at releasing information to the County, which is where it is at.

Attorney Darwin responded I did ask the County if he had an update and he said nothing new.

Mayor stated I have spoken to the owner's at Superior Pack and they have requested that their Attorney work with their bank.

PUBLIC COMMENT –

James Coleman – 4 Maple Avenue – Bailey Farm Road are they going to change the traffic pattern?

Mayor replied in order for the State to recognize it is an open street and it is ours we had to adopt a Resolution to accept it which we did two years ago. They just notified us that we didn't have enough information on it. Nothing is going to change with the traffic flow.

MOTION was made by Trustee Farrell to Enter into Executive Session for an Attorney Client Privilege Issues

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

Mayor stated I wish everyone Happy Holidays and a Happy New Year.

Executive Session with David Darwin, Esq.

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

The following was given by Mayor Welle:

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

SECOND was made by Trustee Daly

ALL IN FAVOR

MOTION was made by Trustee Chichester to adjourn Regular meeting at 8:45pm.

SECOND was made by Trustee Borowski

ALL IN FAVOR

Respectfully submitted by: _____

Jane Leake, Village Clerk