

**VILLAGE BOARD MEETING
FEBRUARY 13, 2019**

6:45PM – AUDIT BILLS
7:15PM – PUBLIC HEARING – LL#1 – 2019
PUBLIC HEARING – LL#2 – 2019
7:20PM – BUDGET WORKSHOP – BUILDING DEPARTMENT
7:30PM – REGULAR MEETING

AGENDA

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES – January 8, 2019**
- 3. INFORMATIONAL ITEMS**
- 4. DEPARTMENT REPORTS**
- 5. LOCAL LAW #1 2019 – Tax Cap Override**
- 6. LOCAL LAW #2 2019 – Tax Exemptions**
- 7. DPW TRAINING REQUEST – A) Hedges**
- 8. BUILDING DEPARTMENT TRAINING REQUEST**
- 9. LEASE RENEWAL - MWCSO**
- 10. DPW – Laborer Seasonal**
- 11. BUDGET TRANSFER**
- 12. MH PARK REQUEST – OC Bombers**
- 13. #2 MAPLE AVENUE**
- 14. LETTER OF RESIGNATION**
- 15. WATER ACCOUNT 621**
- 16. ATTORNEY REPORT**
- 17. PUBLIC COMMENTS**
- 18. MOTION TO ENTER EXECUTIVE SESSION – PERSONNEL - ATTORNEY CLIENT PRIVILEGE - LITIGATION**

UPCOMING MEETING DATES:

ZONING BOARD OF APPEALS MEETING:	March 06, 2019
PLANNING BOARD MEETING:	February 25, 2019
VILLAGE BOARD MEETING:	March 12, 2019

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**6:45pm – Audit Bills
7:15pm – Public Hearing LL#1 2019
7:15pm – Public Hearing LL#2 2019
7:20pm – Budget Workshop – Building Department
7:30pm – Regular Meeting**

PUBLIC HEARING LL #1 2019

Mayor read:

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law entitled, "A Local Law Authorizing a property tax levy in excess of the limit established by General Municipal Law § 3-c," at Harriman Village Hall, 1 Church Street, Harriman, New York on February 13, 2019 at 7:15pm or as soon thereafter as the matter may be heard.

This local law, if adopted, will relieve the Village of the prohibition against increasing a tax levy by more than 2% as imposed by General Municipal Law § 3-c. As the Village relies upon the assessments of the Towns of Woodbury and Monroe and therefore cannot anticipate the impact of resolutions of tax certiorari matters or other unanticipated expenses the restrictions of General Municipal Law would potentially impose a great hardship upon the Village or require borrowing otherwise deemed unnecessary.

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.

No written or public comments

MOTION was made by Trustee Farrell to close the Local Law #1 2019 Public Hearing.

SECOND was made by Trustee Daly

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

PUBLIC HEARING LL #2 2019

Mayor read:

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law entitled, Local Law No. 2 of 2019: A Local Law Amending Chapter 118 of the Code of the Village of Harriman ("Taxation") to grant certain exemptions from real property taxes as authorized by Article 4 of the New York State Real Property Tax Law. The public hearing will be held at Harriman Village Hall, at its temporary location at 12 Church Street, Harriman, New York on February 13, 2019 at 7:15 p.m. or as soon thereafter as the matter may be heard.

This local law, if adopted, will:

- 1) Increase the maximum exemption from real property taxes to eligible veterans pursuant to § 458-a of the Real Property Tax Law according to the following classifications: \$14,000.00 for veterans; \$21,000.00 combat theater or combat zone; and \$70,000.00 for service connected disability compensation rating.
- 2) Grant a partial exemption from real property taxes to eligible Cold War Veterans for qualified residential real property as authorized by § 458-B of the Real Property Tax Law as follows: 15% of the assessed value of the qualifying real property, not to exceed \$12,000.00 multiplied by the latest equalization rate for the Town in which the real property is situated.
- 3) Grant a partial exemption from real property taxation to qualified individuals with disabilities and limited incomes for improvements to real property as authorized by § 459-c of the Real Property Tax Law and increasing the maximum income eligibility level as provided in subsection (b) of § 459-c.

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- 4) Grant a partial exemption from real property taxation for qualifying improvements to property of disabled persons as authorized by § 459 of the Real Property Tax Law.
- 5) Amend Article I of Chapter 118 of the Code (Senior Citizens Exemption) by repealing existing §§ 118-1 and 118-2, and adopt new provisions increasing the maximum income eligibility for senior citizens exemptions to the levels authorized by Real Property Tax Law §§ 467.1 (b) (1) (2) and (3). § 118-3 (medical expenses and prescriptions) will be repealed.

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.

No written comments

Mayor stated the purpose of this is that the Towns of Monroe and Woodbury do the assessing for the Village of Harriman and for many years it has been assumed that the assessments they grant are the same for the Village, but it has come to our attention that the Village needs adopt our own. We took the highest from Monroe and highest from Woodbury that we are currently utilizing, and we adopted those so that anyone who is currently getting an exemption would not get a lesser exemption now that this will be in our Code.

Mr. Kelly – 48 Oxford – I have an exemption with the Town so that will not change?

Mayor replied no.

MOTION was made by Trustee Chichester to close the Local Law #2 2019 Public Hearing.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

REGULAR MEETING

ROLL CALL

Mayor Stephen Welle, Deputy Mayor Colleen Farrell, Trustee G. Bruce Chichester, Trustee Sandra Daly, DPW Superintendent John Mulligan, John Hager, Building Inspector, Village Clerk Jane Leake

ABSENT Trustee Frank Borowski and Police Chief Dan Henderson

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

APPROVAL OF MINUTES

Mayor asked if there were any changes or corrections to the minutes of January 8, 2019 Regular Board Meeting.

MOTION was made by Trustee Daly to accept the minutes of January 8, 2019 Regular Board Meeting.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

INFORMATIONAL ITEMS:

This evening's bills were audited:

Trust & Agency \$ 1,061.52

General Fund \$ 122,632.43

Water Fund \$ 72,088.64

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Upcoming Meeting Dates:

ZBA – March 6, 2019

Planning Board – February 25, 2019

Village Board – March 12, 2019

Village Board Workshops – February 19 & 26, 2019 – 7pm

- Brush Policy – put brush at edge of property, butt end out, not blocking the street or the sidewalk. We will collect on a weekly basis as long as the weather permits.
- We currently have Planning Board and Zoning Board of Appeals openings - anyone interested please contact the Village Clerk.
- I attended the Orange County Association of Towns, Villages and Cities meeting which they had a discussion on Cyber Security and the importance of it.
- In the past month since the last Board Meeting we've had three snow and ice storms and three water main breaks. I would like to thank the DPW guys for the great work they did on it.
- In the Governors Executive Budget, he has eliminated the AIM money which is the Aid Incentive for Municipalities claiming it is insignificant. Although it might not be a lot of money, we get there is no outside funding that is insignificant, and I have advised our Albany Representatives of such. I did attend the Press Conference with Assemblyman Schmitt protesting these cuts and hopefully they get restored.
- Clean Sweep is scheduled for April 27th from 8-Noon, starting at St. Anastasia's. In addition to the paper shredding the Town of Monroe will be doing electronic recycling that day.
- Several people in the Village received notices on there door from Hudson Valley Water Consultants. This is not something that the Village has anything to do with. This is a Company that sells Water Softeners. We do numerous tests on the water system and there is not one of them that we do that requires that little water.
- We did receive a questionnaire from the Monroe Woodbury School District. They are doing all municipalities regarding the water quality in their schools. I answered the questions we could. Many of their questions are Health Department related. I sent them a copy of the Annual Water Quality Report and directed them to the Health Department if they had any further questions.

Mr. Hager asked does the Company doing that have a peddler permit?

Mayor replied I will check with Barbara in the morning.

- The last Water Main break we had Friday was in the intersection of Harriman Heights, Church Street and Route 17M. Unfortunately, it resulted in a loss of water pressure. So there was a small area involved that is under a Water Boil Notice due to the fact that it involved the weekend and then the weather yesterday the final sample went in today and we will have results before Noon tomorrow. The first set of results came out fine, but it is standard procedure to do two days in a row (Health Department requirements). Anyone who received a Boil Notice will receive a notice that all is clear, and it will be posted on the website and anyone who signed up for the email notifications will also receive an email stating so.

ADDITION:

15a) 2 Requests from the Police Chief

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- Orange County will be holding a Public Hearing on their Comprehensive Plan and a new additional Chapter 6 on Transportation. These Public Hearings will be held February 20th in the Legislative Chambers of the Government Center at 5pm and on February 27th at the Orange County Community College Newburgh Campus at 3pm regarding the same topic.

DEPARTMENT REPORTS

Treasurer Report – see attached report
DPW – see attached report – Water Bills \$337,273.16
Police Department – see attached report
Water Account Adjustments – see attached report
Court Reports – see attached reports
 December \$12,039.00 \$7,297.00 remains with Village
Building Department – see attached report
 \$ 680.00 Building Permits
 75.00 Demolition Permit
 100.00 Violation Search
 50.00 Inspection Fee
 \$ 905.00 Total

Building Departments 2018 Year Ending - \$60,297.60

LOCAL LAW #1 2019

The Mayor stated Local Law #1 Tax Cap Override. No public or written comments

MOTION was made by Trustee Chichester to adopt Local Law #1 2019.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
 Trustee Chichester
 Trustee Daly
NAY:
 NONE

LOCAL LAW #2 2019

Mayor stated Local Law #2 Tax Exemptions. No written comments and one public comment

MOTION was made by Trustee Daly to adopt Local Law #2 2019.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
 Trustee Chichester
 Trustee Daly
NAY:
 NONE

DPW TRAINING REQUEST

Mayor stated we have a request to send one Water Operator to a seminar at the Town of Wallkill in the amount of \$75.00.

MOTION was made by Trustee Farrell to approve the Seminar Request.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
 Trustee Chichester
 Trustee Daly
NAY:
 NONE

BUILDING DEPARTMENT REQUEST

The Mayor stated the Building Inspector Training Requests – 1) February 27 – 8 hours for \$60.00 2) Annual Conference in Poughkeepsie for \$300.00.

MOTION was made by Trustee Chichester to approve the Building Inspectors two Training Requests.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

LEASE RENEWAL - MWCSO

Mayor stated we have been here almost a year and as per the original lease they are entitled to a 2% increase. What we did get them to do this time instead of having the lease end the end of February, it will be from March 1st through May 31st so the 2% will coincide with our budget year.

MOTION was made by Trustee Farrell to accept the MWCSO Lease Renewal Proposal.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

DPW – SEASONAL LABORER

Mayor stated at the last meeting we appointed Nick Torres as a part-time seasonal employee for the winter. Orange County Human Resources will not accept that because he worked over nine months as a part-time seasonal. Therefore, we can hire him as a Laborer with 52 weeks probation and it doesn't matter if he is full time or part time. He will be part time until May and then full time from May to August and then again part time in September or until he finishes school. Summer time it will cost us a couple of Holidays and whatever part time employees will get, but he has worked out fantastic and has been available.

MOTION was made by Trustee Daly to adopt Nick Torres as being a Laborer with 52 weeks probation.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

BUDGET TRANSFERS

Mayor stated memo from the Village Treasurer's of February 7, 2019.

MOTION was made by Trustee Chichester to approve the Village Treasurer's Budget Transfer memo.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

MH PARK REQUEST – OC Bombers

Mayor stated I have several questions on this myself. We are short a field to start with and it doesn't say anything about insurance, or the teams being insured. I think we should table this and if the Board can get me their questions I will send the questions to them and wait for their responses before we can make any decision.

2 MAPLE AVENUE

Mayor stated I asked the Attorney at our last meeting to find out from the County how close they were in taking over the property.

Attorney Darwin replied very close. The property was on the list for tax lien foreclosure of 2016. For some reason it is not clear to me why the County didn't take title at that time. The property owner Mendelovic served an answer to the petition about a year ago. I spoke to the Assistant County Attorney who handles those proceedings. He has filed a motion for summary judgement, which should be and anticipates being decided some time in March. At which time the County would take title to the property. Once the County takes title to the property all local liens are distinguished. So, the mortgage that we were concerned about will cease to be an issue. I did send served notices as we discussed last time

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of the Villages intent to demolish to the Texas Secretary of State and we got an affidavit of serve that that notice was served on the Agents for the Lender and we also served the Agent designated to accept the serve in New York personally. Obviously, they have no interest in the building because they haven't paid the taxes in three years and they are letting it go to the County. Once the County takes title it is not clear what the County will do at that point. They may want to demolish the building itself, which would be a good resolution of this issue. We will have to wait and see maybe they will want to have some discussions with the Village about what the best way to proceed will be.

Trustee Chichester asked how often does the County actually demolish buildings?

Attorney Darwin replied in my experience, not much. They don't have much of an occasion to demolish buildings. If they don't want a property, they won't take title to it and that usually has to do with properties that are environmentally challenged. It doesn't occur very often that the County would demolish, but in this case because it has been determined to be an unsafe building they might.

LETTER OF RESIGNATION

Mayor read:

I respectfully submit my letter of resignation as DPW Superintendent for the Village of Harriman effective March 26, 2019 signed by John C. Mulligan Jr.

MOTION was made by Trustee Farrell to accept the DPW Superintendent's Letter of Resignation.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

Mayor stated he will be on a leave of absence until that time.

WATER ACCOUNT 621

Mayor stated we received an email letter from the property owner who is disputing a bill he received for repairs and disputing the fact that a certified letter was sent because he didn't receive it. The letter regarding the curb-box shut off issue was mailed Certified and Regular Mail on or about July 17, 2018. The Post Office makes three attempts to deliver a Certified Letter and each time they leave a delivery attempt slip. The Certified Letter was returned to the Village as not claimed. The letter sent by Regular Mail has not been returned, therefore, it is presumed delivered as the address on file is correct. The valve box was bent over making it impossible to operate the valve. The valve box and rod were replaced. They were billed on November 1st for the repairs along with the regular water bill. A standard shut off letter was sent in January due to none payment. This account has been delinquent nine of the past ten quarters. There was a charge that was put on there for backhoe use. I have learned that a backhoe was not used on this project therefore, my suggestion would be to remove that charge and recalculate the late penalty. They refer to a Code 303.13 in their email regarding property owners being responsible for the service line. It is not a Village of Harriman Code and I have no idea what they are referring to as new. Going back to this Code Book which was from 1988 for the Village of Harriman, Code Section 136-3 has stated, "the property owner is responsible for the entire length of the service line from the main." And it is still in the Code Book today. With that, it would be my recommendation that we remove the \$115.80 charge for the backhoe and the penalty would have to be recalculated based on removing the \$115.80. Other than that, I believe all the charges were correct and the letter was attempted to be served as a Certified. We did not get the Regular Mail back, so it has to be assumed they received it.

MOTION was made by Trustee Chichester to approve crediting the backhoe fee of \$115.80 and recalculating the 10% penalty and crediting the difference.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

2 AGREEMENTS

Mayor stated the Police Chief left two agreements. One is the Annual Agreement with the Woodbury Field and Stream Club for using their range for qualifying.

MOTION was made by Trustee Farrell to approve signing the Woodbury Field and Stream Agreement.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

Mayor stated the other is an Inter-Municipal Agreement with the County of Orange for DWI Patrols over the next year. With the first enforcement period being a total not to exceed \$2,197.00 in reimbursement. **MOTION** was made by Trustee Daly to approve signing the Inter-Municipal Agreement with the County for DWI Patrol.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

ATTORNEY REPORT

Attorney Darwin stated I think the Attorney for Verizon didn't fully understand that Verizon needed to go to the Village Planning Board for Site approval. They seemed to be under the impression that they needed to go to the Town of Monroe. They understand now what the procedure is. I also communicated to them the need for SEQRA to be completed before the Village Board could approve the Lease. I had a conversation with Kevin Dowd the Attorney for the Planning Board and we both seemed to agreement that the Planning Board would be the appropriate Lead Agency for SEQRA. The Attorney for Verizon also apparently didn't realize that they need to require an easement across private property to get to the Village property, so they are still working on that. I sent her some information about the contact information for the Homeowners Association and property Management for the development. The rest is really up to her at this point. I sent a Memorandum Agreement, which the Village and Verizon can sign, which would be subject to all the approvals that are necessary without approving the Lease itself. I haven't heard back on that either.

Mayor asked did you get anything back from Hardenberg or whomever?

Attorney Darwin replied I did yesterday actually, I will send you a copy of the Deed. There are several conveyances in that Deed. This is one of four or five conveyances. There is nothing opposing any obligations on the Village to maintain it. I want to look at it more closely before I get back to you on that.

Mayor stated this is regarding the Well property at Harriman Heights 3. There was an issue with the driveway. We did get a memo from the Building Inspector regarding some issues regarding Chapter 82 and conflicting with Chapter 74 so we will be having a couple of other Code changes coming up and we will have to incorporate this at that time, rather than doing a Local Law just for this. Thank you, John, for pointing that out.

PUBLIC COMMENT –

Jim Kelly – 48 Oxford Lane – Why are you renewing the Lease with the holes in this parking lot. Going out of here they are starting to be sink holes? Aren't they responsible as a landlord?

Mayor replied you didn't notice they were better tonight.

MOTION was made by Trustee Chichester to Enter into Executive Session for a Litigation Issue, Personnel Issue, Attorney Client Privilege and meeting with Attorney's from Napoli and Shkolnik.

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SECOND was made by Trustee Daly
AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

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

The following was given by Mayor Welle:

Executive Session with David Darwin, Esq. and representatives from Napoli Shkolnik

MOTION was made by Trustee Daly to adjourn Executive Session and return to Regular Meeting.
SECOND was made by Trustee Chichester
ALL IN FAVOR

MOTION was made by Trustee Farrell to allow Ken Gopel to request up to 40 hours vacation time be bought back the last pay period in May. This is due to his added responsibilities which he has embraced.
SECOND was made by Trustee Chichester
ALL IN FAVOR

MOTION was made by Trustee Chichester to waive the late fees and penalties on water account 854 due to their status as a governmental agency. Also authorize the Mayor to work with them in an effort to resolve the issues related to ensuring that their future bills are paid by the due date.
SECOND was made by Farrell
ALL IN FAVOR

MOTION was made by Trustee Chichester to adjourn Regular meeting at 9:25pm.
SECOND was made by Trustee Daly
ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk