



# *Village of Harriman*

1 Church Street  
Harriman, New York 10926  
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## **VILLAGE BOARD MEETING JANUARY 12, 2021**

**6:30PM – AUDIT BILLS**  
**6:45PM – MOTION TO ENTER EXECUTIVE SESSION – Court Personnel**  
**7:25PM – PUBLIC HEARING LL#1-2021 – Tax Cap Override**  
**7:30PM – REGULAR MEETING**

### **AGENDA**

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES – December 8 & 15**
- 3. INFORMATIONAL ITEMS**
- 4. DEPARTMENT REPORTS**
- 5. LOCAL LAW #1 – 2021**
- 6. RESIGNATION – Court**
- 7. JUSTICE COURT POSITIONS**
- 8. GENERAL ELECTION RESOLUTION**
- 9. GENERAL ELECTION POLL WORKERS/MACHINE OPERATORS**
- 10. WATER ACCOUNT 549**
- 11. PROBATION COMPLETION – McCann, Torres, Livsey**
- 12. SPECIAL PROSECUTOR AGREEMENT**
- 13. PANDEMIC OPERATIONS PLAN**
- 14. SET MEETING DATES - FEBRUARY 2, 9, 16, 23**
- 15. BUILDING INSPECTOR APPOINTMENT**
- 16. STANDARD WORK DAY RESOLUTION**
- 17. ATTORNEY REPORT**
- 18. RESIGNATION – Mayor**
- 19. APPOINTMENT - Mayor**
- 20. PUBLIC COMMENT**
- 21. MOTION TO ENTER EXECUTIVE SESSION – ATTORNEY CLIENT PRIVILEGE**

### **UPCOMING MEETING DATES:**

<b>ZONING BOARD OF APPEALS MEETING:</b>	<b>February 03, 2021</b>
<b>PLANNING BOARD MEETING:</b>	<b>February 22, 2021</b>
<b>VILLAGE BOARD MEETING:</b>	<b>February 09, 2021</b>

**VILLAGE OF HARRIMAN, NEW YORK**

**VILLAGE BOARD MEETING**

**January 12, 2021**

**Page 1**

**6:45pm – Audit Bills**

**6:45PM – Motion to Enter Executive Session – Court Personnel**

**7:25PM – Public Hearing LL#1 – 2021 – Tax Cap Override**

**7:30pm – Regular Meeting**

The following was given by Mayor Welle:

Open Board Meeting

**PRESENT:** Deputy Mayor Lou Medina, Trustees, Daly, Schneider, Chichester, Judge Worthy-Spiegel  
**MOTION** was made by Trustee Chichester to Enter into Executive Session with Judge Worthy-Spiegel for Court Personnel Issues.

**SECOND** was made by Trustee Daly

**ALL IN FAVOR**

**PUBLIC HEARING**

**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, 12 Church Street, Harriman, New York on January 12, 2021 at 7:25pm 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% a 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.

Mayor asked did we receive any written comments on this?

Clerk replied no.

Mayor stated obviously it is not the goal of the Board to exceed the tax limit, but we have to adopt this local law to protect the Village in case the tax limit has to be exceeded.

Mr. Kelly – Oxford Lane – you can't raise the taxes higher without a law?

Mayor replied in order to go over the 2% tax cap we would need a majority of the Board (60%) to approve it. We are adopting the law in case we have to. If we don't adopt the law, then by rights we can't go over the 2%.

Mr. Kelly asked even if you want to right now, you couldn't?

Mayor replied we couldn't.

Mr. Kelly stated in other words you are leaving it open in case something happens.

Mayor replied correct. Once the budget is adopted at the end of March or April, and what we have done in the past is had another local law that rescinds this local law. You can't leave it there by State guidelines. If we are under the 2% tax cap, they will rescind the local law.

Mr. Kelly asked why would you bother rescinding it?

**VILLAGE OF HARRIMAN, NEW YORK**  
**VILLAGE BOARD MEETING**  
**January 12, 2021**  
**Page 2**

Mayor replied because that is what the statute states. If you don't exceed it then you have to rescind the law.

Mr. Kelly stated okay. I didn't know.

**MOTION** was made by Trustee Chichester to close the Public Hearing. **SECOND** by Trustee Daly. **ALL IN FAVOR.**

**REGULAR MEETING**

**ROLL CALL**

Mayor Stephen Welle, Deputy Mayor Lou Medina, Trustee Bruce Chichester, Trustee Sandra Daly, Trustee Carol Schneider, Village Clerk Jane Leake, DPW Superintendent, Kyle Livsey and Village Attorney, Dave Darwin

**ABSENT** Police Chief, Dan Henderson

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

**APPROVAL OF MINUTES**

Mayor asked if there are any changes or corrections to the minutes of December 8, 2020 Regular Board Meeting?

**MOTION** was made by Trustee Chichester to accept the minutes of December 8, 2020 Regular Board Meeting.

**SECOND** was made by Trustee Daly

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Medina	NONE
Trustee Chichester	
Trustee Schneider	

Mayor stated we had a meeting scheduled for December 15, which had to be postponed. It has not been rescheduled as of yet so there are no minutes for that.

**INFORMATIONAL ITEMS**

This evening's bills were audited:

Trust & Agency	\$	876.06
General Fund	\$	81,410.58
Water Fund	\$	55,644.22

- Up Coming Meeting Dates:
  - Zoning Board of Appeals – February 3, 2021
  - Planning Board – February 22, 2021
  - Village Board – February 9, 2021
- Plans are being made for the Annual Clean Sweep for April 24, 2021. Although it will be a little different than in the past. Picking up garbage will remain the same and as it gets closer there will be more information on it.
- Village continues to pick up brush on a weekly basis. We ask that you put the butt end out at the edge of your property not in the street or on the sidewalk.
- Water Customers can sign up for emails for information regarding billing dates and late dates by contacting the Clerk's Office.

**VILLAGE OF HARRIMAN, NEW YORK**  
**VILLAGE BOARD MEETING**  
**January 12, 2021**  
**Page 3**

- Village Office hours remain 8am – 3pm. The office is still closed to the Public. They can be contacted by phone or email. Court hours are 9- 3pm and they can be contacted by phone or email as well.
- There are numerous updates on the virus and the vaccine. The State website has a good source of information for the COVID and there is a lot of information on the County website. They have a new list of who is eligible to sign up for the vaccines. It appears it is 75 years and older and first responders. You still have to sign up and schedule it. They say it could be up to 14 weeks before you can get an appointment. They are attempting to get more vaccines and locations. It changes on a regular basis, so your best bet is to go on the County or State websites.
- Agenda Additions:  
  
Item 10 a) Water Accounts 474 – 478 and 10 b) Water Account 808
- No overnight on street parking November 1<sup>st</sup> through April 1<sup>st</sup> and no on street parking once the streets are covered in snow and during a snow event until such time as they have been cleared.

**DEPARTMENT REPORTS**

Treasurer Report – see attached report  
DPW – see attached report  
Police Department – see attached report  
Water Account Adjustments – see attached report  
Court Reports – no reports  
Building Department – no report

**PUBLIC HEARING – LL# 1 2021**

Mayor stated this is approval to exceed the 2% tax cap if necessary. Public Hearing was held and there was a public comment but no written comment.

**MOTION** was made by Deputy Mayor Medina to approve Local Law 1 of 2021 on the 2% Tax Cap.

**SECOND** was made by Trustee Chichester

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Medina	NONE
Trustee Chichester	
Trustee Schneider	

**RESIGNATION – Court Position**

Mayor read a letter from Justice Allan Drian: I hereby submit my resignation as Harriman Village Justice effective January 11, 2021. It has been a privilege and honor to serve the Village of Harriman. I appreciate all the support provided by yourself and the Village Board during my tenure as Judge. I wish you and the Board a safe and health New Year.

**MOTION** was made by Trustee Chichester to accept Judge Allan Drian’s resignation effective January 11, 2021.

**SECOND** was made by Trustee Schneider

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Medina	NONE
Trustee Chichester	
Trustee Schneider	

Trustee Daly stated I would like to thank Judge Drian for his service.

Mayor replied I agree with thanking him for his time here and wish him health in the New Year.

**VILLAGE OF HARRIMAN, NEW YORK**

**VILLAGE BOARD MEETING**

**January 12, 2021**

**Page 4**

Mayor stated on November 10, 2020 the Village Board conducted a Public Hearing on Local Law 11, 2020 to abolish the position of Village Justice. The Board adopted this Local Law subject to a permissive referendum. The time frame for a permissive referendum has passed, so effective in March this position will be abolished. Since Judge Drian has resigned from his position I would recommend that the Board appoint Judge Worthy-Spiegl to his position which would require her to run in March 2022 for election.

**MOTION** was made by Trustee Daly to approve appointing Judge Worthy Spiegl to Village Court Judge.  
**SECOND** was made by Trustee Schneider

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Medina	NONE
Trustee Chichester	
Trustee Schneider	

Mayor continued we are in need of experienced Court Clerks to handle and catch up the Court, which has been without a Clerk for several months. Judge Spiegl has arranged for a few Court Clerks to assist her in getting caught up. There are four people she would use on a part-time interim bases which we would pay them a per diem of \$25.00 an hour. They are Kajornsak Rangsiyothin, Kathy Moran, Patti Heckinger and Arleen Rittenger.

**MOTION** was made by Deputy Mayor Medina to approve the Interim Part-Time Court Clerk's along with a per diem rate of \$25.00 an hour.

**SECOND** was made by Trustee Chichester

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Medina	NONE
Trustee Chichester	
Trustee Schneider	

**GENERAL ELECTION RESOLUTION**

Mayor read: Resolved that the Village Hall located at our temporary location of 12 Church Street, Harriman, New York is hereby established to be the polling place for all voting to be held for the 2021 Village General Election scheduled for March 16, 2021 and be it further resolved that the polls for said Village General Election will open at 12:00pm Noon and close at 9:00pm.

**MOTION** was made by Trustee Daly to adopt the General Election Resolution.

**SECOND** was made by Trustee Schneider

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Medina	NONE
Trustee Chichester	
Trustee Schneider	

**GENERAL ELECTION POLL WORKERS/MACHINE OPERATORS**

Mayor stated the Village Clerk has presented us with a list of Poll-Worker and Machine Operators for the Election of March 16, 2021, paying the workers \$150.00 and the Chairperson \$175.00.

**MOTION** was made by Trustee Chichester to approve the General Election Poll Workers/Machine Operators with salaries of \$150.00 for workers and \$175.00 for the Chairperson.

**SECOND** was made by Trustee Schneider

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Medina	NONE
Trustee Chichester	
Trustee Schneider	

**WATER ACCOUNTS**

Account 549 – split payment plan without additional fees

**MOTION** was made by Deputy Mayor Medina to approve the split payment with no additional fees.

**SECOND** was made by Trustee Daly

**VILLAGE OF HARRIMAN, NEW YORK**  
**VILLAGE BOARD MEETING**  
**January 12, 2021**  
**Page 5**

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

Accounts 474- 478 – penalty waivers  
**LACK OF MOTION – Denied**

Account 808 – penalty waivers  
**MOTION** was made by Trustee Schneider to approve the penalty waivers.  
**SECOND** was made by Deputy Mayor Medina  
**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

**PROBATION COMPLETIONS**

Mayor stated we have a couple of probation completions that we missed. First one is Nick Torres who completed his in August 2020.

**MOTION** was made by Trustee Daly to approve completing Nick Torres’s probation.

**SECOND** was made by Trustee Chichester

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

The Second one is Robert McCann – Part-Time Police Officer who completed his June 1, 2020.

**MOTION** was made by Trustee Chichester to approve completing Robert McCann’s probation.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

The third is Kyle Livsey who completed his January 1, 2021 and I strongly recommend that we show that he has completed his probation on a satisfactory basis.

**MOTION** was made by Trustee Schneider to approve completing Kyle Livsey’s probation.

**SECOND** was made by Trustee Chichester

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

Mayor stated thank you Kyle.

**SPECIAL PROSECUTOR AGREEMENT**

Mayor stated we have an agreement here for special prosecutor as discussed earlier this evening in Executive Session with the Judge working on the plea by mail with the V&T’s. He proposes to bill the Village at a fixed rate of \$5.00 per plea by mail for the preparation.

**MOTION** was made by Trustee Daly to approve the Special Prosecutor Agreement.

**SECOND** was made by Deputy Mayor Medina

**VILLAGE OF HARRIMAN, NEW YORK**

**VILLAGE BOARD MEETING**

**January 12, 2021**

**Page 6**

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

**PANDEMIC OPERATION PLAN**

Mayor stated on September 10, 2020 the State came out with a requirement for Municipalities that they all adopt a Pandemic Operations Plan. It is required to be sent to the State after adoption and that it be sent to any Unions the Village deals with. A copy was handed to the DPW Union and the PBA Union, both on November 17, 2020. Both were instructed to submit any comments to myself by December 14, 2020 and neither one came back with any comments.

**MOTION** was made by Trustee Chichester to approve the Pandemic Operation Plan.

**SECOND** was made by Deputy Mayor Medina

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

Mayor stated this is basically what we followed back in March, April, and May for the closing of Village Hall and payment of Employees for all the protocols and limiting contact amongst the employees.

**SET MEETING DATES**

Mayor stated we need to set meeting dates. February 2<sup>nd</sup> at 7pm will tentatively be the meeting to discuss Police Reform as required by the State. February 9<sup>th</sup> is the Regular Village Board Meeting. February 16<sup>th</sup> and 23<sup>rd</sup> would be Budget Meetings at 7pm. Once the February 2<sup>nd</sup> meeting is firmed up it will be posted and put on the website.

**MOTION** was made by Trustee Daly to approve the February 2<sup>nd</sup> Police Reform Meeting at 7pm, February 9<sup>th</sup> Regular Village Board Meeting at 7:30pm and the February 16<sup>th</sup> and 23<sup>rd</sup> Budget Meetings at 7pm.

**SECOND** was made by Trustee Schneider

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

**BUILDING INSPECTOR APPOINTMENT**

Mayor stated the previous Building Inspector as you know has left for another employment. We have requested and received the Civil Service List of Eligibles. The Deputy Mayor and I have interviewed the candidates and it is our recommendation that the Board appoint Kimberly DeSocio as the Building Inspector at a rate of \$34.07 per hour, effective January 18, 2021 or as soon thereafter as possible with six months' probation and condition on the fact that the rest of the medical paperwork and background checks come back without any issues.

**MOTION** was made by Trustee Chichester to approve hiring Kimberly DeSocio as Building Inspector with an hourly pay of \$34.07 effective January 18, 2021 or soon thereafter with a six-month probation and condition that all the medical and background paperwork comes back without any issues.

**SECOND** was made by Deputy Mayor Medina

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

**STANDARD WORK DAY RESOLUTION**

Mayor stated this is something else required by the State. This is for Carol Schneider as she is new to the Board. A redacted copy will be posted online and on the bulletin board.

**MOTION** was made by Deputy Mayor Medina to accept the Standard Work Day Resolution as written.

**SECOND** was made by Trustee Chichester

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

**ATTORNEY REPORT**

Attorney Darwin stated as you know the 4 South Main Street foreclosure proceeding has been stayed so nothing has really happened. There is another conference tentatively scheduled for March. The owner is still currently moving forward with the paperwork for the short sale. It is possible something can happen with that, but other than that we just wait and see where we are in March.

Deputy Mayor Medina stated I understand the borrower can also issue a stay to hardship to push it to May.

Attorney Darwin replied correct.

**RESIGNATION – Mayor**

Mayor stated tonight is my last Village Board meeting as Mayor as I will be resigning effective 12 midnight on January 31<sup>st</sup>. Over the 20 years which I have been Mayor, there have been 469 Village Board meetings of which I attended 467. I missed the June 27, 2001 and the August 11, 2020 meetings while attending 458 in a row which I am immensely proud of. I believe that I am leaving the Village better equipped and in very stable financial condition. I would have liked to have been able to see the completion of a new Government Center, but unfortunately, due to the astronomical building costs, that project is on hold. There are a few possibilities being evaluated, one which would preserve some of the Village history and integrity. Hopefully in the near future the Board will be in the position of making a final decision regarding the new Government Center. I must thank all the Board members for supporting me over the years, including former Deputy Mayor Ed Shuart whom I miss dearly. Without Board support, the job of Mayor would have been impossible, I want to thank the terrific office staff, Marie, Jane and Barbara for all that they do. Without their dedication and hard work, the Village would be in chaos. Chief Henderson and the Police Department are always there for the Village as is DPW Superintendent Kyle Livsey and the DPW workers and I want to thank them. The Village has wonderful Consultants who work in the best interest of the Village and assist us in making responsible decisions. Thank you to the residents for electing me as Mayor 6 times, I appreciate your support. Although it is difficult to say goodbye, I know that it is time and I know that Deputy Mayor Lou Medina will do a great job for the Village.

**MOTION** was made by Trustee Schneider to accept the Mayor's resignation, effective January 30, 2021 at midnight.

**SECOND** was made by Deputy Mayor Medina

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

All Trustee said with regret they accept.

**APPOINTMENT**

Mayor stated it is my understanding that the Board is ready to appoint Deputy Mayor Lou Medina to the position of Mayor effective February 1, 2021.



**VILLAGE OF HARRIMAN, NEW YORK**  
**VILLAGE BOARD MEETING**  
**January 12, 2021**  
**Page 8**

**MOTION** was made by Trustee Daly to appoint Deputy Mayor Lou Medina to the position of Mayor effective February 1, 2021.

**SECOND** was made by Trustee Chichester

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

Mayor stated Congratulations!

Deputy Mayor Medina read:

**Resolution Granting Honorary Street Name for Retiring Mayor Stephen H. Welle**

WHEREAS, Stephen H. Welle has been a notable resident of the Village of Harriman for over 43 years; and

WHEREAS, Stephen H. Welle served as a volunteer member on the Harriman Parks Commission; followed by 12 years of service on the Village Zoning Board of Appeals and further, as Trustee on the Village of Harriman Board for 3 years; and

WHEREAS, Stephen H. Welle served an extraordinary 20 years as the Mayor of the Village of Harriman; and

WHEREAS, Stephen H. Welle has dedicated enormous time, skills, and service to the Village of Harriman contributing a lasting impact to the success and future of the Village of Harriman; and

WHEREAS, the Board of Trustees wishes to honor Mayor Stephen H. Welle on the occasion of his retirement from the Village of Harriman with the designation of an honorary street name to commemorate his achievements and as a show of the profound respect he so richly deserves.

THEREFORE, BE IT RESOLVED, that effective January 12, 2021 that section of street officially dedicated in the Village of Harriman records as Church Street between South Main Street and Route 17M shall be designated with the name of "**Mayor Stephen H. Welle Way**".

**MOTION** was made by Deputy Mayor Medina to approve the Resolution Granting Honorary Street Name for Retiring Mayor Stephen H. Welle.

**SECOND** was made by Trustee Schneider

**AYE:** Trustee Daly  
Deputy Mayor Medina  
Trustee Chichester  
Trustee Schneider

**NAY:**  
NONE

Mayor stated thank you very much, very honored to have that.

**PUBLIC COMMENT** –

Mr. Kelly – Oxford – we are going to miss you. We appreciate all that you have done for the Village and you have been here over thirty years and you know I will argue the way you keep this Village the way it should be, and we thank you for that. It is a shame we don't have more people. It is a shame people don't really understand the importance of what we are doing in the Village itself. I think to get more people involved it would be a good thing.

Mayor stated it takes commitment and time.

**VILLAGE OF HARRIMAN, NEW YORK**

**VILLAGE BOARD MEETING**

**January 12, 2021**

**Page 9**

Mr. Kelly continued we should go to the high school to get the kids who will be running this for years to come involved. We do it with Rotary to learn about what the Rotarians do and stuff, but I think it is important that the student understand what Government does. Even in a small Village, the complexity of what you do is amazing. Just being on the Planning Board I am realizing how much I have learned since being on that Board. It is amazing. Thank you for being the MAYOR.

**MOTION** was made by Trustee Chichester to Enter into Executive Session for Attorney Client Privilege items.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly

Deputy Mayor Medina

Trustee Chichester

Trustee Schneider

**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.

**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 Deputy Mayor Medina to adjourn Regular meeting at 9:30pm.

**SECOND** was made by Trustee Schneider

**ALL IN FAVOR**

Respectfully submitted by: \_\_\_\_\_

Jane Leake, Village Clerk