



Village of Harriman

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VILLAGE BOARD MEETING JULY 13, 2021

7:00PM – AUDIT BILLS
7:30PM – REGULAR MEETING

AGENDA

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES – June 8, 2021**
- 3. INFORMATIONAL ITEMS**
- 4. DEPARTMENT REPORTS**
- 5. 12 COMMERCE DRIVE – Presentation to Board**
- 6. RETIREMENT – Police Department**
- 7. APPOINT PART-TIME POLICE OFFICER**
- 8. BUILDING INSPECTOR RESIGNATION**
- 9. N. TORRES – CDL License**
- 10. PARK REQUESTS a) Stratford b) DeJesus-Simmons c) Monroe Fire Dept d) LaMarch e) Buyea**
- 11. RFP – Legal Services Consultants**
- 12. SCHEDULE PUBLIC HEARING – Local Law 2021-05**
- 13. AUTHORIZE SIGNING CWM SITE ACCESS AGREEMENT – Mary Harriman Park**
- 14. ATTORNEY COMMENT**
- 15. PUBLIC COMMENT**
- 16. MOTION TO ENTER EXECUTIVE SESSION – HR Discussion**

UPCOMING MEETING DATES:

PLANNING BOARD MEETING:	July 19, 2021
ZONING BOARD OF APPEALS MEETING:	August 4, 2021
VILLAGE BOARD MEETING:	August 10,

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

July 13, 2021

Page 2

- River Road paving is scheduled for July 22, 2021, between the hours of 7am-4pm. The information is on our website and it will be sent out through our email alert over the next few days, several times.
- Our Auditors will be onsite the week of September 7th to conduct the annual audit of the Village and of our Courts.
- The Family Fun Day is scheduled for September 18, 2021, between 1pm-4pm. The Committee has been working very hard on putting it together and I know they have some new things planned this year that I think everyone is going to enjoy.
- I received an email from the Chief of Police – Mayor read: Chief Henderson, I am writing to thank your Department for the compassion and professionalism displayed by your Officers on the morning of June 18, 2021, and the actions of your Officers exemplify the type of support and selfless service to the community that are often overlooked and are unappreciated today. You should be very proud of these two officers and their actions. Respectfully, Kevin Doyle. The Officers he is referring to is Officer Mena and Josefovitz. Thank you for passing this along Chief and it is great to hear. I can tell by the details of what he had written that it was quite an impression that the two of them have made.

DEPARTMENT REPORTS

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report - Funds \$15.00

Water Account Adjustments – see attached report

Court Reports – see attached report

Building Department – see attached report

\$ 449.50	4 Building Permits
<u>1800.00</u>	12 Violation Searches
\$2249.50	

12 COMMERCE DRIVE - Presentation

Charles Bazydlo, Esq. outside counsel for 12 Commerce Drive Real Estate LLC

We are the owners of a piece of property on Commerce Drive and we are looking to develop the property. The project is in front of the Planning Board at this time and there has been some initial meetings. We have come to identify an issue about the property that we are seeking relief from the Village Board for. It is a fairly simple matter. The property is divided into two different Zoning Districts. Ruffly 2/3rds unfortunately runs through this portion of the property and it divides the property from Industrial and PAD. The uses that are allowed in those two zones are pretty much the same. We are looking to develop a Warehouse Distribution Facility on the property. The issue primarily comes up with a difference of height that is allowed in these two areas. In the Industrial Zone we are allowed a 50-foot height and the PAD it is only 35. Although those 15 feet may not seem like a lot, when it comes to building these types of facilities it is pretty critical. We are typically looking for a 36-foot clear span inside the building, at least, and that equates to about an almost 50-foot height on the building. It wasn't always the case, but newer buildings are. That is the situation we have now. So, what I sent the email about and I think all the Board Member have it, is that we put together a draft that is called a petition, but it is kind of our plea if you will for relief on this issue. Why we think it is a good idea about this property. If we were to keep with the Zone line, where it is, you end up with a building that has a 35 foot height and a portion of it has a 50 foot height and that results in a gamely looking building and it could be a hard sell for the people who use this building and certainly it cuts down on the value of the building too, which in term means rateables for the Village. So, what we would like to see the Board consider is moving that Zone line so that it would run with the property line. So, the entire property would be within the Industrial Zone. This way that will allow us for a uniform height building across the whole project of 50 foot and a better building overall, look wise and use wise. The Zoning line is there and I think it is designated 1500 feet from the road. I don't think there was a magic to that number when it was drawn up years ago. They

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

July 13, 2021

Page 3

could have been involved with, what I use to call, the ICC Subdivision years ago and this is one of the last remaining lots in that subdivision. So, we are asking the Board to consider this and whatever process you may feel you need to go through to take this up. It is an amendment to the Zoning Map so I suppose it would have to be referred to the Planning Board for a report. I will hope the Planning Board would come back favorable on it and then there is probably a need for a Public Hearing on this also. It is a fairly simple matter.

Trustee Chichester asked I would like to hear your explanation of why this is not Spot Zoning?

Attorney Bazydlo replied it is not Spot Zoning basically because we are not taking a piece of property and whole sale changing its Zoning. We are taking a Zone line that actually runs through the middle of the property and just moving the line a few feet to make it jive with the property boundary.

Trustee Chichester responded I understand what you are doing, but what about the entire Zone, someone else, a neighbor or so?

Attorney Bazydlo replied I see it could potentially be looked at as Spot Zoning if we were looking to say we don't want to be in either one of the Zones that already affects this property, but we do. The Industrial Zone touches slightly over the majority of the property. So, I do not see that as Spot Zoning. If there was another piece of property that had a similar situation like this, they can certainly come to the Board and make that request and the Board could examine the merits of that on its own. I don't believe this would set a precedence for the Board.

Deputy Mayor Schneider asked I think it says you have 7.8 acres of land here, so there is no way to shift the building or why wouldn't it be feasible to do something like that?

Attorney Bazydlo replied the property is covered by a Flood Zone, as are a lot of the properties out there and there are some wetland issues out there too. It sounds like a lot of land, but when you start putting up a building, the parking and stormwater controls it uses up those seven acres pretty fast. It is mainly that Flood Zone that takes up a lot of the usable area on the property.

Nick Panayotou also presenter stated it is actually a Flood Way not just a Flood Plain. So, it is pretty constrained in what we can do. And there is all wetland on the siding here (pointing to map). So, there is a limit to what we can do and it is important to have the shape of the building as uniform as possible. We had to do this in order to stay away from the wetlands (referring to the map). The core Engineers said to us we don't want to entertain any application that has more then a 10th of an acre because the first plan that was sent to them had 4/10ths of an acre. There is limit of amount of area that we could work with.

Mayor stated we will review the petition and discuss it amongst the Board and with our Attorney and we will be able to get back to you then.

Attorney Bazydlo replied any questions that may come up please give us a call and we will be happy to answer them.

Mr. Panayotou asked is it possible having a Public Hearing in August?

Mayor replied if we did, we would probably be scheduling it in August for September because we will not be taking any action this evening.

RETIREMENT – Police Department

Mayor stated we have a retirement letter from our Chief Dan Henderson, regrettably, effective December 8, 2021.

MOTION was made by Trustee Chichester with a heavy heart, I will accept Police Chief Henderson's retirement letter effective December 8, 2021.

**VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
July 13, 2021
Page 4**

SECOND was made by Trustee Mitchell

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

NAY:
NONE

Mayor stated thank you Dan. He will be around for a while to help me make a smooth transition.

Dan replied I won't leave you shorthanded.

Mayor replied I know that Dan. Thank you.

Trustee Chichester responded we are going to miss you.

APPOINT PART-TIME POLICE OFFICER

Mayor stated we received another letter from the Chief for a new Part-Time Officer, Curtis Hahne, effective July 14, 2021.

MOTION was made by Deputy Mayor Schneider to approve hiring Part-Time Police Officer, Curtis Hahne, effective July 14, 2021.

SECOND was made by Trustee Chichester

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

BUILDING INSPECTOR RESIGNATION

Mayor stated we have a resignation from our Building Inspector, Erik Johnson effective immediately.

MOTION was made by Trustee Daly to approve Building Inspector, Erik Johnson resignation which was effective June 23, 2021.

SECOND was made by Trustee Chichester

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

Mayor continued we are actively recruiting and I have had some interviews last week and a couple this week as well.

N. TORRES – CDL License

Mayor stated Nick Torres has successfully obtained his CDL Class B license last month. The Collective Bargaining Agreement with the Village allows for reopening the agreement for salary discussions for either a Laborer who obtains a CDL or Water License. Nick has worked hard to achieve his CDL License and proven himself to be a valued member of the DPW crew.

MOTION was made by Mayor Medina to increase Nick Torres's hourly rate to \$25.00.

SECOND was made by Trustee Daly

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
July 13, 2021
Page 5

Mayor continued I would also like to thank Kyle and John Froeber for assisting Nick through the education and training for it they made a very big impact on his success. So, thank you very much for that and please thank John for me.

PARK REQUESTS

Stratford – July 10, 2021 – pre-approved

MOTION was made by Trustee Chichester to approve the Stratford Park Request for July 10, 2021.

SECOND was made by Trustee Daly

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

DeJesus-Simmons – August 7, 2021

MOTION was made by Trustee Daly to approve the DeJesus-Simmons Park Request for August 7, 2021.

SECOND was made by Deputy Mayor Schneider

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

Monroe Fire Department – August 14, 2021

MOTION was made by Trustee Chichester to approve the Monroe Fire Department Park Request for August 14, 2021, with fee waiver.

SECOND was made by Trustee Daly

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

LaMarch – September 4, 2021

MOTION was made by Trustee Daly to approve the LaMarch Park Request for September 4, 2021.

SECOND was made by Trustee Mitchell

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

Buyea – September 5, 2021

MOTION was made by Deputy Mayor Schneider to approve the Buyea Park Request for September 5, 2021.

SECOND was made by Trustee Chichester

AYE: Trustee Daly	NAY:
Trustee Chichester	NONE
Deputy Mayor Schneider	
Trustee Mitchell	

RFP – Legal Services Consultants

Mayor stated we are within the next few months going to need to replace our Attorney for the Planning Board, so at that same time, since it has been several years since we have put out an RFP for legal services, I thought it would be prudent to do it for all three positions at this time. We will fill for the Planning Board and receive responses to it.

MOTION was made by Deputy Mayor Schneider to approve sending out the request for Legal Services for our three Boards.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
July 13, 2021
Page 6

SECOND was made by Trustee Chichester

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

Mayor continued this will be published on July 23, 2021. We will be getting them back August 20, 2021, by 4pm.

SCHEDULE PUBLIC HEARING – Local Law 2021-05

Mayor stated we need to schedule a Public Hearing for Local Law 2021-5. It is a local law prohibiting smoking on all Village owned or operated property.

MOTION was made by Deputy Mayor Schneider to approve scheduling a public hearing of Local Law 5 of 2021, August 10th at 7:25pm.

SECOND was made by Trustee Chichester

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

AUTHORIZING SIGNING CWM SITE ACCESS AGREEMENT

Mayor stated authorizing signature for the CWM Access Agreement. CWM is preparing to perform ground water sampling and testing at the GAESS Site which is owned by Norfolk Southern Rails and is adjacent to the Mary Harriman Park. CWM is obligated by the DEC to implement and complete the sampling. They have provided a scope of work that has been reviewed by the Village Water Consultants, Engineers, Attorney and the DPW. It also has been distributed to the Board. This will give access to the monitoring wells to meet the DEC requirements. This signature authorizes that site access to be able to do that monitoring of wells.

MOTION was made by Trustee Daly to authorize the Mayor to sign the CWM Site Access Agreement.

SECOND was made by Deputy Mayor Schneider

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

ATTORNEY COMMENTS –

Attorney Darwin stated 4 South Main Street matter. There was another conference before Lindstrom. The first lien holder, the primary lien holder, has asked the Village to increase its offer. We still don't know what the position of the second lien holder is. At this time, a conference has been rescheduled for a date in August. As far as the details they should be taken up in Executive Session.

PUBLIC COMMENTS –

Mr. Kelly – Oxford – we had the late fireworks delayed because of the rain, but they were sponsored by the Town of Monroe, Village of Monroe, and Village of Harriman. It was quite a crowd there and it was a very fun, friendly night and it was packed with people. I think it was a huge break to get out of this dullness that we are in, but it was really well put together, and I think that people appreciated it and the Village got some credit for it.

Trustee Daly replied this year we did. Also, I would like to add that Mike Chiarito wants to thank Kyle and his crew. He said the fields have never been as good as he has ever seen them during Little League.

Mayor stated they are beautiful and they really do a nice job.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
July 13, 2021
Page 7

MOTION was made by Trustee Chichester to Enter into Executive Session.to discuss HR issues and some Litigation issues.

SECOND was made by Trustee Daly

AYE: Trustee Daly
Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

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

The following was given by Mayor Medina:

Executive Session with Dave Darwin, Esq.

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

SECOND was made by Trustee Mitchell

ALL IN FAVOR

MOTION was made by Trustee Daly to include an addendum to the April 18, 2019, purchase and sale agreement for the property located at 4 South Main, to change the offer from \$110,000 to \$120,000.

SECOND was made by Deputy Mayor Schneider

ALL IN FAVOR

MOTION was made by Trustee Chichester to adjourn Regular meeting at 8:35pm.

SECOND was made by Deputy Mayor Schneider

ALL IN FAVOR

Respectfully submitted by: _____

Jane Leake, Village Clerk