

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
July 12, 2016
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7:00pm – Audit Bills

7:30pm – REGULAR MEETING

Regular Meeting:

ROLL CALL

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

ABSENT

Trustee Borowski, Police Chief Dan Henderson

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 Deputy Mayor Edward B. Shuart who passed away on June 23, 2016.

The Mayor continued stating Ed served the Village of Harriman for over 35 years. He was appointed to the parks and recreation committee in the early 1980's and the ZBA in 1992. Ed was elected to the position of Village Trustee in 2000 and in 2001 I appointed Ed to the position of Deputy Mayor and he continued to faithfully serve in that position. Ed loved this Village and he anonymously helped several Village residents who encountered difficulty with some of their bills. Ed was dedicated to preserving history of the Village of Harriman and he will be greatly missed.

APPROVAL OF MINUTES

Mayor Welle asked if there were any changes or additions to the minute of 6/14/16.

MOTION was made by Trustee Chichester to accept the minutes of 5/10/16 Village Board Meeting.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle	NAY:
Trustee Farrell	NONE
Trustee Chichester	

INFORMATIONAL ITEMS:

- Upcoming Meeting Dates:
Zoning Board of Appeals Meeting – August 3rd
Planning Board – July 18th & August 15th
Village Board Meeting – August 9th

- This evenings bills were audited:
2015 - 2016
General Fund \$12,790.22
Water Fund \$21,698.55
Trust & Agency \$ 00.00

2016 – 2017
General Fund \$63,306.00
Water Fund \$21,007.18
Trust & Agency \$ 2,910.15

The Mayor stated at last month's meeting there was an error, the corrected amount is as follows:
2015 – 2016

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General Fund	\$45,935.65
Water Fund	\$27,770.73
Trust & Agency	No Change

2016 – 2017	
General Fund	\$70,743.24
Water Fund	\$49,606.03
Trust & Agency	No Change

Attorney Dave Darwin arrived.

- We received a Notice of Violation regarding the water. It is not unanticipated; this has to do with the running averages. The letter is being draft and be mailed out before the end of the month. Regarding the Notice of Violation the Village is continuing the work on the mitigation plan. Unfortunately it is not something we can put into place over night. There are test and calculation which need to be completed to insure that the mitigation will work and the plan needs to be approved by the Department of Health prior to implementing. As for the levels these are running averages for the past four quarters which included levels prior to the first mitigation project. At the February 10, 2015 Village Board meeting Steve Gagnon of the Orange County Department of Health explained that the radioactivity is naturally occurring and the levels in the Village wells are very low. He went on the state that a person would have to drink two litters of water a day directly at the well head for seventy years to increase your chances of contacting cancer by 1 in 10 thousand. He also stated that all bedrock wells in the County have radiologic components of some degree. The Village is working as fast as possible in getting the mitigation done.
- An addition to #7 – Water Account 7317.
- From the Town of Monroe Assessor we received a spreadsheet of properties that the County has foreclosed on in the Town. There is one property in the Village of Harriman, but nothing suitable or close enough for the Village to explore for water.
- Addition #8a – Mary Harriman 3R Well.
- Congratulations to A&B Service Station on their 60 Years of business as a family owned business.

DEPARTMENT REPORTS:

Treasurer Report – see attached report
DPW – see attached report
Police Department – see attached report - \$30.00 in Funds
Water Account Adjustments – see attached report
Court Reports – see attached reports
Building Department – see attached report

\$ 3,475.00	Building Permits
\$ 50.00	Demolition Permit
\$ 150.00	Certificate of Compliance
<u>\$ 400.00</u>	Violation Searches
\$ 4,075.00	Total

PARK REQUESTS –

Cornelius – July 31, 2016 – 1:00 – 4pm

MOTION was made by Trustee Chichester to grant the park request.

SECOND was made by Trustee Farrell.

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AYE: Mayor Welle
Trustee Chichester
Trustee Farrell

NAY:
NONE

Arroyo – July 17, 2016 – 12 Noon – 5pm

MOTION was made by Trustee Farrell to grant the park request.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle
Trustee Farrell
Trustee Chichester

NAY:
NONE

Brown – August 13, 2016 – 2:00 – 6pm

MOTION was made by Trustee Farrell to grant the park request.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle
Trustee Farrell
Trustee Chichester

NAY:
NONE

DPW SUPERINTENDENT EMPLOYEE AGREEMENT –

The Mayor stated when John was hired in July, 2015 his Employment Agreement stated he would receive 3 personal days. The intention was he would receive 3 personal days for 2015 – 2016 and then effective, June 1st 2016 he would fall under the Employee Handbook, which would be 5 days as with all employees. This was not clear in the Agreement; therefore I am bringing it to the Board for your consideration.

MOTION was made by Trustee Farrell to approve the 5 personal days for DPW Superintendent, John Mulligan effective June 1, 2016 as stated in the Employee Handbook.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle
Trustee Farrell
Trustee Chichester

NAY:
NONE

WATER ACCOUNT REQUESTS –

Account 4152 – Late Fees Waiver

No Motion – denied.

Account 4550 – Penalty Waiver

MOTION was made by Trustee Farrell to grant the one-time only waived penalty for Account 4550.

SECOND was made by Trustee Chichester.

AYE: Mayor Welle
Trustee Farrell
Trustee Chichester

NAY:
NONE

Account 7339 – Late Fee Credit

MOTION was made by Trustee Chichester to grant the one-time only waived penalty for Account 4550.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle
Trustee Farrell
Trustee Chichester

NAY:
NONE

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Account 7317 – Late Fee Waiver

No Motion – denied

DELINQUENT WATER ACCOUNTS –

The Mayor stated notices have been sent out. Shut-Offs Thursday, July 14, 2016.

MOTION was made by Trustee Chichester to approve the shut offs if not made before shut off time.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle

Trustee Farrell

Trustee Chichester

NAY:

NONE

MARY HARRIMAN 3R –

The Mayor stated this well is a major part of the delusion process and the capacity has dropped by over 30%. John has been working with LBG and it has been determined that the well needs to be pulled to investigate to see what the problem is. Being as it is critical to the blending process I am looking for authorization for the Board to declare this an emergency. Especially given the time of the years when water usage is at its peak.

MOTION was made by Trustee Chichester to approve declaring the situation at the Mary Harriman 3R well an emergency.

SECOND was made by Trustee Farrell.

AYE: Mayor Welle

Trustee Farrell

Trustee Chichester

NAY:

NONE

MAYOR'S APPOINTMENTS –

The Mayor stated due to the untimely death of Ed Shuart I have two positions that I will make appointments to this evening. Effective immediately I am appointing Trustee Colleen Farrell as the Deputy Mayor and also appointing Trustee Farrell as the Chairman of the Historical Committee, which Ed has been working on and Colleen has agreed to take these tasks on and I will appreciate it.

Deputy Mayor Farrell stated it is a heavy heart that I take on this additional responsibility and that it is a huge loss to the entire Village and to me personally and I don't think anybody can fill the Deputy Mayor's shoes, but I will certainly do my best.

Trustee Chichester commented that on behalf of the rest of the Board we will do everything to help you in that new position and congratulations.

ATTORNEY REPORT –

Attorney Darwin stated Town Attorney for the proposed Water District in the Town of Woodbury thought that he would be able to put together an MOU, but he has not been able to get to it so I will put together a draft one. I will send it over to you, Mayor and the attorney for Woodbury.

The Mayor stated regarding that there was a discussion at the last Board Meeting in regards to the potential of the Town relieving water bills without a District. I have since come across paperwork from NYCOM which states general municipal law article 5G does not allow for that without a District. Attorney Darwin replied there were some Comptrollers opinions that I found in the same effect.

Attorney Darwin continued stating the Boundbrook main the parcel the Village is contracting to sell to the joining land owner. The purchaser's title company turned up a 1928 deed which appears to show that a portion of the property that the Village is selling may be the subject of a revert a-clause that provides that the property be used for any purpose other than a water supply system. It reverts back to the original

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owners. John Lanc took a look at the deed and initially didn't think that deed covered the part that is being sold, but on further review it determined that there was a northern piece of the parcel about 100ft x 100ft. that is part of that reversion clause in the 1928 deed. I conveyed that information to the purchaser's attorney and he has asked his Title Company to take a look at what options are available. We may need to locate the heirs from that 1928 deed to get a release or we may be able to come up with some other solution. His Title Company is looking into it.

Attorney Darwin continued stating the Orchard Hill Farm well. The property the Village is interested in potentially inquiring from the County. I just got the title search today, but the copy I have doesn't include the maps. I would like to take a closer look at it before I comment on it.

Attorney Darwin stated the conservation easements, the wetland mitigation project involving Melody Lane we got a draft conservation easement from George Lithco and he made some revisions based on some comments I made. The attorney for Orange County Trust which is going to be the forward of the conservation easement has chimed in with several comments and there are some issues that I think we are going to need to work through. This is an unusual situation in where the Village is conveying the conservation easement to the benefit of the third party to be able to meet its wetland mitigation obligation. Typically when there is a conservation easement the owner of the property is the one that is burden by the obligations that are imposed. In this case the Village isn't really obtaining the benefit. It is the third party that is obtaining the benefit, so that is complicating this transaction. I reached out the Brian, with the Army Corp. of Engineers to see if there is some alternative to a conservation easement, but I haven't had a chance to talk with him yet.

PUBLIC COMMENT –

No comments.

MOTION was made by Chichester to enter into Executive Session for Attorney Client Privilege and one Litigation item.

SECOND was made by Trustee Farrell.

ALL IN FAVOR

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

The following was given by Mayor Welle:

Executive Session with Dave Darwin, Esq. and Building Inspector John Hager.

MOTION was made by Trustee Chichester to adjourn Executive Session and return to the Regular Session.

SECOND was made by Trustee Farrell.

ALL IN FAVOR

MOTION was made by Trustee Farrell and **SECONDED** by Trustee Chichester to adjourn the meeting at 8:40pm.

ALL IN FAVOR

Respectfully submitted by: _____

Jane Leake, Village Clerk