

**VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
July 9, 2019
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**7:00pm – Audit Bills
7:25pm – Public Hearing – Local Law #9
7:30pm – Regular Meeting**

PUBIC HEARINGS

Mayor read the following:

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 Amending Chapter 102 of the Village Code of the Village of Harriman ("Peddling Soliciting")"

The existing provisions of Chapter 102 will be repealed and replaced with new and more comprehensive provisions regulating peddling and solicitation within the Village of Harriman. The new local law will change and/or add to the definitions, exemptions, prohibited activities and conduct, issuance of a certificate of registration (licenses); denial, suspension or revocation of a certificate of registration, an appeal procedure, application procedures and requirements; background investigations; a provision for a "no solicitation notice", buyer's right to cancel and penalties.

A hearing on the 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 July 9, 2019 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 comments?

Clerk replied no we have not.

Jim Kelly, Oxford Lane, I think it is a good move for the Village to move in the direction as all the other Communities are, as a form of keeping down on the number of people coming into the neighborhood. We really don't know when they come to the door whether they are truly representing the person or not and if we do have a do not solicitation list, we know that no one can come to your door without your permission.

MOTION to close the Public Hearing by Trustee Chichester and Second by Trustee Farrell
ALL IN FAVOR

REGULAR MEETING

ROLL CALL

Mayor Stephen Welle, Deputy Mayor Colleen Farrell, Trustee G. Bruce Chichester, Trustee Sandra Daly, Trustee Lou Medina, Police Chief Dan Henderson, John Hager, Building Inspector, Village Clerk Jane Leake, Village Attorney, Dave Darwin, Planning Board Chairperson, Irma Escallier

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 June 11, 2019 Regular Board Meeting?

MOTION was made by Trustee Chichester to accept the minutes of June 11, 2019 Regular Board Meeting.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

INFORMATIONAL ITEMS:

This evening's bills were audited:

	<u>2019</u>	<u>2020</u>
Trust & Agency	\$	\$ 1,049.80
General Fund	\$ 25,471.13	\$ 13,915.56
Water Fund	\$ 77,218.07	\$ 27,517.35

Upcoming Meeting Dates:

Zoning Board of Appeals – August 7, 2019

Planning Board – July 15, 2019

Village Board – August 13, 2019

- Brush Policy – Village continues to pick up on a weekly basis - ask that you put it at the edge of the property not in the road or on the sidewalk.
- Planning Board and Zoning Board of Appeals have openings. Anyone interested please send a letter of interest to the Village Clerk.
- Heritage Trail – I spoke to Jim Brooks Orange County Commissioner of Parks this week. They say they are moving forward and have given the final design to an outside Engineer to complete because they say the County Engineers are too busy. Hopefully in the very near future they will have something, and we will have a better idea of when they are going to do the work.
- ADDITIONS: 11a) 285, 11b) 579, 11c) 196
16a) Information and Security Breach Notification Policy
16b) Health Care Reform Act
16c) Resolution #6
- The DOT did respond to my letter regarding the horrible condition of 17M. In a letter dated June 26, 2019 they said the repair work was going to begin the end of June. They started this morning.
- We were notified that the Legislature approved the Extreme Winter Recovery Program at the end of their budget. So, the Village will get an additional \$4,338.72 for work on the road
- On June 26, 2019 I went to a meeting with the County Legislatures regarding Orange County Sewer District #1 and their longevity plan for the Harriman Treatment Plant and they are working up the costs of what it will be to bond this work over 30 years. They have an approximate rate for the In-District users and are working on the Outer-District users. When they finalize it, I will let everyone know.

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- On June 27, 2019 I met with a representative from Millennium Strategies. The Company that is going to be working on grants for the Village in conjunction with the Town of Monroe and they met with all Department Heads to get an idea of what types of grants the Village will be looking for.
- We are starting our School Supply Collection again for all the students in Monroe Woodbury that are less fortunate. All school supplies are welcomed. They can be dropped off during normal business hours and on evenings, weekends, etc. at the Police Station. It has been very successful that last couple of years.
- There is a Public Hearing for Thursday, July 18, 2019 11am – 1pm at the Hudson Valley Regional EMS Office, Airport Drive, New Windsor. This is regarding Kiryas Joel Volunteer Ambulance being able to respond anywhere in Orange County.

DEPARTMENT REPORTS

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report - \$15.00 funds

Water Account Adjustments – see attached report

Court Reports – see attached reports

Building Department – see attached report

\$ 188.00	Building Permits
\$ 200.00	Violation Searches
<u>\$ 50.00</u>	Building Permit Extension
\$ 438.00	TOTAL

LOCAL LAW # 7

Mayor stated Local Law #7 we held off on last month waiting for a 239. It has been 28 days and we have to wait 30 days for the County to respond. Can we approve it pending there are no affecting comments on the 239 review and hold off sending it to the State until such time as we may get that within the next couple of days?

Attorney Darwin replied I would say so, yes. We are close enough to the 30 days and it make sense in this particular case.

MOTION was made by Trustee Medina to adopt Local Law #7 pending there are no affecting comments on the 239 review and holding off sending it to the State.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Medina	

LOCAL LAW #9

Mayor stated Local Law #9 Public Hearing was held this evening, there was one public comment and no written comments.

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

SECOND was made by Trustee Medina

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Medina	

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Deputy Mayor Farrell asked on the parts where it is Orders of Protection, it says; if the applicant or registered solicitor is currently subjected to a Protective Order based on physical or sexual abuse, is that for a Civil Order in addition to a Criminal Order? Like if there was a Temporary Order of Protection issued.

Attorney Darwin replied I didn't draft this language, but my read of it is that if a victim of sexual abuse apply to the Court for a Protective Order against the perpetrator of that abuse. That is what that refers to.

Deputy Mayor Farrell stated I was just curious. If the case is not finalized and they have a temporary order, that would stop them from getting one even if there is a temporary in there as well?

Attorney Darwin replied I don't think it is a question of a temporary or final order. If there is a Protective Order that is in effect, normally a Protective Order would be in effect for a particular period of time. It is not usually referred to as a temporary Protective Order. It is a Protective Order for the period of time established by the Court. So, I don't think you need to make that kind of distinction.

PARK REQUEST

Herrera – July 6, 2019 – previously approved – informational

Smith – lifelong resident, due to medical would like to cancel and get a refund.

MOTION was made by Trustee Daly to approve refund

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

Trustee Medina stated I think in lieu of the fact of what she is describing as the circumstance.

Gatling – July 13, 2019 – fundraiser

MOTION was made by Trustee Farrell to approve park requests and waive fee being it is non-profit High School Cheerleading.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

Charles – August 10, 2019

MOTION was made by Trustee Daly to approve the park request.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

JUSTICE COURT

Mayor stated Justice Court record compliance; every year the Village Auditor in the past has gone through the Court to verify their procedures. As we have a new Auditor this year, we have to approve them also to do the Court procedures in the amount not to exceed \$3,000.00

MOTION was made by Trustee Medina to approve the Justice Court Record Compliance not to exceed \$3,000.00 by Nugent Haeussler, P.C.

SECOND was made by Trustee Chichester

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AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

OFFICER HANSEN PROBATION

Mayor stated a request from the Police Chief to complete Officer Hansen's probation effective, July 11, 2019 as he will have been here one year.

MOTION was made by Trustee Chichester to approve Officers Hansen's Probation effective July 11, 2019.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

Chief Hendersen stated he has done an excellent job since he has been here.

WATER ACCOUNT REQUESTS

Account 331 – Mayor stated at the last meeting we had made an adjustment for excessive usage due to a leak and what we failed to do was to waive the late fees at that time.

MOTION was made by Trustee Chichester to approve waiving the late fees on Account 331.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

Account 780 – disputing their bounced check fee – Mayor stated check was received on May 30, 2019 and it was deposited on May 30, 2019.

LACK OF MOTION – Denied

Trustee Medina stated I also want to point out that she also mentions in her email that she had a discussion with the bank, and it was there error.

Account 285 – penalty waiver

MOTION was made by Trustee Farrell to approve a one-time waiver on Account 285.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

Account 579 – penalty waiver

MOTION was made by Trustee Daly to approve a one-time waiver on Account 579.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

ABSTAINED: Trustee Medina

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Account 196 – penalty waiver

MOTION was made by Trustee Chichester to approve a one-time waiver on Account 196.

SECOND was made by Trustee Daly

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

DELINQUENT WATER ACCOUNTS

Mayor stated shut off's on July 17, 2019.

MOTION was made by Trustee Chichester to approve shut off's for July 17, 2019.

SECOND was made by Trustee Daly

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

TURN THE TOWNS TEAL

Trustee Farrell stated we are here to ask permission again to put the ribbons out for the month of September for Ovarian Cancer month on the Village property. It will be basically in the same locations we had them last year. The only difference is that we may be putting them up early being the 1st of September is Labor Day weekend. So, they may go up a couple of days before then and will be taken down the last day of September.

MOTION was made by Trustee Daly to approve the Turn the Town Teal Ribbons.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

Trustee Daly stated it is a wonderful cause.

DPW TRAINING REQUEST

Mayor stated a training request to send three people on August 8, 2019 at \$30.00 each

MOTION was made by Trustee Farrell to approve the DPW Training Request at \$30.00 each for three people.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

BUDGET TRANSFER

Mayor stated this is the money for the grant services. Transfer from Contingent into Mayor Contractual and Water Administration.

MOTION was made by Trustee Farrell to approve the Budget Transfers as stated in the Treasurers memo dated July 5, 2019.

SECOND was made by Trustee Daly

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

EMPLOYEE BENEFITS RESERVES

Mayor stated this is the compensated absences for employees that we have to have a fund for. \$1500.00 needs to be moved into it. The Treasurer is requesting that we move the money from the General Operating Fund Balance to the Employee Benefit Accrued Liability General Account.

MOTION was made by Trustee Daly to approve the Employee Benefits Reserves Request.

SECOND was made by Trustee Medina

AYE:	Trustee Farrell	NAY:	
	Trustee Chichester		NONE
	Trustee Daly		
	Trustee Medina		

INFORMATION & SECURITY BREACH POLICY

Mayor stated this is something we need to have in case employee or other data is breached within the Village. It is a policy that will have to be reviewed annually at the Organizational Meeting.

MOTION was made by Trustee Chichester to approve adopting the Information and Security Breach Policy.

SECOND was made by Trustee Medina

AYE:	Trustee Farrell	NAY:	
	Trustee Chichester		NONE
	Trustee Daly		
	Trustee Medina		

HEALTHCARE REFORM ACT PUBLIC GOODS POOL

Mayor stated this is going to affect those claims that were left over when the County was no longer handling Workers Compensation. We had a couple of claims that were left, and it has been brought to our attention that now on any inpatient or outpatient ambulatory surgery there will be a 9.63% surcharge. We do not have a chose with it.

MOTION was made by Trustee Farrell to approve the Healthcare Reform Act Public Goods Pool.

SECOND was made by Trustee Daly

AYE:	Trustee Farrell	NAY:	
	Trustee Chichester		
	Trustee Daly		
			Trustee Medina

RESOLUTION #6

Mayor stated it adds the Court to the Credit Card Agreement. Allowing fines, etc. to be paid by credit card.

MOTION was made by Trustee Daly to adopt Resolution #6.

SECOND was made by Trustee Chichester

AYE:	Trustee Farrell	NAY:	
	Trustee Chichester		NONE
	Trustee Daly		
	Trustee Medina		

ATTORNEY REPORT

Mayor asked regarding 2 Maple we can go ahead and move forward and start the process of demolition and then the County will eventually reimburse us? That will be the quickest way to get this done.

Attorney Darwin replied correct. It will be charged against the County as the property owner has not paid and it will be relieved on the tax bill. The County understands that. They realize that it will have a parcel of vacant land with a large tax bill attached to it. So yes, the Village can proceed to contract for the demolition of the building.

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Mayor stated the best way to do this, I assume, would be to have Jason Anderson draw something up because we would have to do an asbestos inspection, I'm sure.

Attorney Darwin replied he should do a scope of work and then I would attach that to a contract that I can draft using as a model as some of the contracts would use on some of the other construction projects.

Mayor stated at the same time I believe the Board is going to want to move forward with the old Village Hall and have that asbestos remediation done and then we will have to put that out to bid due to the cost of that for demolition.

Attorney replied yes.

MOTION was made by Trustee Daly to approve Jason Andersen to move forward with both projects.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

Mayor stated Mythos House LLC is requesting a waiver of the 30 day hold for the State Liquor License.

Attorney Darwin responded basically the law says that the applicant has to put the host Municipality on notice that there is a 30 day hold before a license is issued unless the Municipality waives the 30-day hold period. If the Board doesn't have any strong objections to the Liquor License Application going forward, then there is no reason not to approve the waiver of that 30-day waiting period.

MOTION was made by Trustee Chichester to authorize a letter to be signed stating that the Village has no objection.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

Mayor asked did you ever get a response on 4 South Main Street?

Attorney Darwin replied I did not. I will continue to follow up.

PUBLIC COMMENT –

James Coleman – 4 Maple – I want to thank the Board in your assistance on 2 Maple Avenue. As you recommended last month, I did reach out to Eric Brewster who is at the County and I don't know if that was your doing or his doing but thank you for cleaning up all the debris and overgrowth of landscaping. They did a great job cleaning it up. Thank you for your efforts on that.

Mayor replied your more than welcome.

Mr. Coleman asked I heard the breaking news about the Nepera land being sold and a proposal of maybe a casino, water park, housing. Does any of this land fall on Harriman or is it strictly Monroe?

Mayor replied none of it is Monroe. It all depends what they propose. Nothing has been proposed to the Village yet. As far as Nepera's concerned their property hasn't been sold. Until somebody proposes something to the Village, nothing exists.

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

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

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 Chichester to adjourn Executive Session and return to Regular Meeting.

SECOND was made by Trustee Daly

ALL IN FAVOR

MOTION was made by Trustee Medina to adjourn Regular meeting at 9:20pm.

SECOND was made by Deputy Mayor Farrell

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk