

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

June 13, 2017

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7:00pm – Audit Bills

7:30pm – Public Hearing

7:30pm – REGULAR MEETING

PUBLIC HEARING

The Mayor stated the public hearing was held opened from April 18, 2017 waiting for the Counties response from the 239m review. As of today we have not heard anything back from the County. We are only required to wait 30 days.

Mr. DiSalvo asked is that the Planning Department?

Mayor replied yes

MOTION was made by Trustee Daly to approve Local Law #3.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

Mayor stated Public Hearing is closed.

Respectfully submitted by: _____

Jane Leake, Village Clerk

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7:00pm – Audit Bills

7:30pm – Public Hearing

7:30pm – REGULAR MEETING

ROLL CALL

Mayor Stephen Welle, Deputy Mayor Colleen Farrell, Trustee G. Bruce Chichester, Trustee Sandra Daly, Village Clerk Jane Leake, DPW Superintendent John Mulligan, John Hager and Village Attorney Dave Darwin

Present: County Legislature James DiSalvo

ABSENT and EXCUSED: Police Chief Dan Henderson, Trustee Frank Borowski & Building Inspector John Hager

The Mayor asked everyone to stand for the Pledge of Allegiance

APPROVAL OF MINUTES

Mayor Welle asked if there were any changes or additions to the minutes of May 9, 2017 Regular Board Meeting.

MOTION was made by Trustee Daly to accept the minutes of May 9, 2017 Regular Board Meeting.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

INFORMATIONAL ITEMS:

- Monday, May 29th was the Memorial Day Celebration in the Village of Harriman in spite of the weather a good crowd showed up at the church. Only fortunately due to the weather the wreaths were not placed on the monuments until later in the day, but the picnic did proceed as planned in Mary Harriman Park. I would like to thank the DPW Department, Police Department, the Harriman Engine Company, Saint Anastasia's Church and all the Veterans, the Board Members whom showed up and the participants.

- This evenings bills were audited:

	<u>2017</u>	<u>2018</u>
Trust & Agency	\$ 3,104.96	\$ 0
General Fund	\$ 53,576.34	\$ 173,100.15
Water Fund	\$ 74,115.74	\$ 64,568.88

- Upcoming Meeting Dates:

Zoning Board of Appeals Meeting – July 5th

Planning Board – July 17th

Village Board – July 11th

- This Saturday, July 17th at 10am we will be having the dedication of the Edward B. Shuart Jr. Memorial Playground taking place behind the Village Hall.
- The Annual Drinking Water Quality Report for 2016 has been posted on the Village Website with links to information and phone numbers if anyone has any questions. Likewise the Annual MS4 Report has been posted on the Village Website and both are available in the Village Hall.
- Deputy Mayor Farrell and I attended a meeting with Orange & Rockland regarding their new smart meters. They will be starting to implement them later this year or beginning next year in Orange County. They will be providing information on what the consumer can get out of them in

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terms of usage during certain times of day, etc.

- July refuge pickup for July 4th week:
Monroe Side – Refuge Pick-up will be Monday, July 3rd and 7th. Recycle Thursday, July 6th
Woodbury Side – Refuge Pick-up will be Saturday, July 8th and Recycle Thursday, July 6th
- Attended the Orange County Association of Towns, Villages and Cities meeting out of hours arraignments were discussed as well as the shared services with the County that the Governor was pushing on. There has been no final determination on either one.
- The School Supply Drive is going very well and we remind everyone that school supplies can be dropped off here at Village Hall or at the Police Station and they will be coordinated with the School District to see that those children with extraordinary needs are helped with school supplies for the coming year.
- We received the Village of Harriman final Financial Report ending May 31, 2016 and the Justice Court agreed upon procedures ending May 31, 2016 from the auditors
- Reminder with the Brush Policy - Brush is to be placed at the side of people’s property not in the street with the butt end of the brush sticking out.
- We were notified by Orange & Rockland that beginning July 1 and continuing for approximately four weeks they will be in the Village trimming trees around power lines and poles.
- Gardens at Harriman there is a notice of a Public Scoping Meeting in the Village of Woodbury. The meeting is scheduled for July 21, 217 at 7:30pm at the Village of Woodbury Village Hall. Their scoping document has been filed with the Village of Harriman. They did declare a positive declaration for SEQRA. The Village of Harriman has submitted paperwork to them and we will have to continue to monitor it to make sure we are getting all of the paperwork submitted to us that the Village of Woodbury gets other than Attorney Client Privilege.
- Stipulation of Settlement with RD Management regarding the outstanding water bill has been signed by all parties and the first installment has been paid. The agreement was agreed upon by the Board at the last meeting.
- ADDITIONS:
 - 8f) Amaral Park Request
 - 8g) Buyea Park Request
 - 8h) Miranda Park Request
 - 8i) Perez Park Request
 - 16a) SAM Grant – 9091
 - 19a) Budget Modification

DEPARTMENT REPORTS

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report - \$15.00 in funds

Water Account Adjustments – see attached report

Court Reports – see attached reports - April took in \$13,187.00 Village Received \$7,105.00

May took in \$18,908.00 Village Received \$12,087.00

Building Department – see attached report

\$ 270.00	Building Permits
<u>\$ 800.00</u>	Violation Searches
\$ 1070.00	Total

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LOCAL LAW #3

The Mayor stated the Public Hearing was opened on April 18, 2017 and closed this evening. We did not receive a response from the County on the 239m review so we are under no obligation to wait any longer.

MOTION was made by Trustee Farrell to adopt Local Law #3 of 2017

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

CLEARWATER RESOLUTION

The Mayor stated we received a resolution from the Clearwater Group regarding the Hudson River the Pollution and everything going on. This group has been very active in working with us in opposing the Pilgrim Pipeline which at this point appears to be dead.

MOTION was made by Trustee Farrell to approve Clearwater Group Resolution #6 of 2017.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

POLICE CHIEF REQUEST

The Mayor stated for the NYS Chief Conference July 23 – 26th in the amount of \$633.00 plus mileage and meals.

MOTION was made by Trustee Chichester to approve the NYS Chief Conference July 23 – 26th in the amount of \$633.00 plus mileage and meals.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

PARK REQUEST

American Legion – May 29, 2017 advisor that they used the Mary Harriman Pavilion for the Memorial Day Annual Picnic.

Monroe Joint Fire Department – Emergency Services Softball 2017 for Field 1 on Sundays through August 27th from 4-6pm. It is not actually sponsored by the District. It is a bunch of independent players that have signed waivers of insurance because they couldn't get insurance on their own. Our Insurance Agent said this is standard and he had no issues with it from an insurance perspective.

MOTION was made by Trustee Chichester to approve the Monroe Joint Fire Department Park Request for the Emergency Services Softball 2017 for Field 1 on Sundays through August 27th from 4-6pm.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

Trustee Chichester comments that it doesn't interfere with any of the previous ones we done with Little League.

Mayor replied I spoke with Mike Chirrito from the Monroe Woodbury Little League and he said the minor issues with that were easily worked out and since it is the Volunteer Fireman he would have no issues with granting them the time.

Yang – Orange County Chinese Association Picnic and provided insurance - June 24, 2017

MOTION was made by Trustee Chichester to approve the Yang Orange County Chinese Association Park Request

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SECOND was made by Trustee Daly

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

Perez, C. – June 10, 2017 – pre- approved by Mayor Welle as done in the past

MOTION was made by Trustee Chichester to approve the Perez Park Request

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

Coolbaugh – July 8, 2017

Buyea – July 23, 2017

Amaral – July 22, 2017

Perez, A. – July 17, 2017

Miranda – July 15, 2017

MOTION was made by Trustee Chichester to approve the Park Requests for Coolbaugh, Buyea, Amaral, Perez and Miranda.

SECOND was made by Trustee Daly

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

HARRIMAN ENGINE COMPANY REQUEST

The Mayor stated we have a water request for their Carnival from June 5 – 11th as the Board was aware. They would be charged the out of Village water rate and the hydrant meter daily charge would be waived as we have in the past.

MOTION was made by Trustee Chichester to approve the Harriman Engine Fire Company water request for the Carnival from June 5 – 11 with outside water rate.

SECOND was made by Trustee Daly

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

INSURANCE POLICY

The Mayor stated the annual liability and property insurance through Argonaut from June 1, 2017 through May 31, 2018. It is for \$60,168.00. There are a limited number of providers. Last year they went out to five carriers and we only received one other quote last year for \$74,000.00. To stay with Argonaut it is only a \$3,400.00 increase over last year's premium.

MOTION was made by Trustee Farrell to approve the Insurance Policy with Argonaut for \$60,168.00

SECOND was made by Trustee Daly

AYE: Trustee Farrell

Trustee Chichester

Trustee Borowski

Trustee Daly

NAY:

NONE

SHORT STREET/N. MAIN STREET REQUEST

The Mayor stated prior to last meeting we had received a request regarding the intersection of North Main and Short Street. If you are heading South on North Main Street it is a very difficult right hand turn on to Short Street and 51 North Main Street has had damage to their fence and shrubs. The Chief and DPW Superintendent recommend we change the code to include a no right hand turn from North Main Street heading South onto Short Street.

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MOTION was made by Trustee Chichester to schedule a Public Hearing on July 11, 2017 at 7:15pm for Local Law #4.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

FRONTIER COMMUNICATION

The Mayor stated it is regarding a request from Frontier Communications they are looking to provide video. They sent me a map of the service area. They are looking to get a Public Hearing for July 11 at 7:20pm for Local Law #5.

MOTION was made by Trustee Chichester to schedule a Public Hearing on July 11, 2017 at 7:20pm for Local Law #5.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

IT COMPANY

The Mayor stated as we discussed during the budget time we have changed IT providers. We went from Real Time Consultants to PCMed as of June 1, 2017. It was a very smooth transition and a couple of improvements have already been made regarding our back-up and preservation of data with a significantly less amount of money.

NASPO PARTICIPATION

The Mayor stated during the budget meetings the DPW Superintendent proposed a new tool box for the DPW. The one they wanted was from SNAP-ON which is most of their tools. SNAP-ON acquired us information on this NASPO contract with the State of Oklahoma. We contacted the NYS Comptroller Office and they granted us permission to join in on this contract.

MOTION was made by Trustee Daly to approve piggybacking on to the NASPO contract.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

SURPLUS VEHICLES

The Mayor stated the following vehicles need to be declared surplus:

1989 Ford Street Sweeper – DPW Department

2010 Chevy Impala – Police Department

2012 Chevy Caprice – Building Department

To place them on Auction International with a closing date of July 10th and bid award date of July 11th.

MOTION was made by Trustee Farrell to approve surplus vehicles placed on Auction International with a closing date of July 10th and bid award date July 11th.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

STREET SWEEPER PURCHASE

The Mayor stated through Senator Larkin we have a grant of \$250,000 towards the Street Sweeper and we budgeted an additional \$50,000. We are looking to order one based upon the NJPA bid.

MOTION was made by Trustee Daly to approve purchasing a Street Sweeper.

SECOND was made by Trustee Chichester

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AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

SAM GRANT

The Mayor stated we have the paperwork for a \$140,000 grant

MOTION was made by Trustee Farrell to approve signing the documents for the SAM grant.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

Declare an unlisted action for SEQRA.

MOTION was made by Trustee Chichester to declare a Type II unlisted action for SEQRA.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

BUILDING INSPECTOR REQUEST

The Mayor stated the Building Inspector training seminar on June 21st for \$60.00

MOTION was made by Trustee Daly to approve the Building Inspectors training seminar on June 21st for \$60.00.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

WATER ACCOUNTS REQUEST

Account #'s 4140, 4141, 4142, 4143, 4144, 4146 & 4147 – request penalties waived

MOTION was made by Trustee Daly to approve a one-time waiver on accounts 4140, 4141, 4142, 4143, 4144, 4146 & 4147.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly

NAY:
NONE

RESOLUTION #7

The Mayor read the following:

WHEREAS, the Board of Trustees of the Village of Harriman (“Board”) desires to approve the use of certain approved credit cards for payment of Village water accounts, fees penalties and charges due and owing to the Village; and

WHEREAS, pursuant to General Municipal Law Section 5, this Board may authorize the Mayor or his designee to enter into an Agreement with one or more financial institutions, agencies or credit card issuers; said agreement shall authorize certain officers of the Village as designated herein, to accept credit cards for payment of the fees specified above;

WHEREAS, the Board has solicited, received and reviewed proposals from financial institutions and agencies to provide such credit services to the Village; and

WHEREAS, the Board has heretofore entered into an agreement with GovPayNet to provide such credit services; and

WHEREAS, the Board has determined to enter into an agreement with Paymentech, LLC and Link2Gov, Corp. to provide such services to the Village;

NOW, THEREFORE, it is hereby

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RESOLVED, that this Board hereby finds that it is in the public interest for the Village of Harriman to accept credit cards for the payment of water accounts, fees, penalties and other charges due and owing to Village as specified above; and it is further

RESOLVED that this Board hereby authorizes the Mayor or his designee to enter into Agreements with Paymentech and Link2Gov, Corp. in accordance with the provisions of General Municipal Law Section 5; and it is further

RESOLVED, that the agreement with GovPayNet is hereby ratified and reaffirmed; and it is further

RESOLVED that this Board hereby designates the following Village of Harriman Officials to accept credit cards for payment for the purposes specified above:

1. Village Treasurer

2. Village Clerk

3. Village Deputy Clerk

and it is further

RESOLVED, that as a condition of accepting payment by credit card, that such person(s) offering payment by credit card pay a service fee to the Village equal to the cost incurred by the Village in connection with such credit card transaction, including any fee owed by the Village to the financing agency or card issuer arising from that transaction.

MOTION was made by Trustee Chichester to adopt resolution #7.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

The Mayor stated although we are authorizing the Treasurer, Village Clerk and Deputy Clerk to accept credit card payments as of this time we do not accept them here only through the third party.

BUDGET MODIFICATION

The Mayor stated this is due to the PPEP Award for the Police Department Equipment in the amount of \$5,075.00.

MOTION was made by Trustee Chichester to approve the budget modifications as outlined by the Treasurer in the June 13, 2017 memo.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

ATTORNEY REPORT

Attorney Darwin stated the Mayor asked me to look at a few things:

- The revert-clause issue with the sale of the parcel. The purchaser's title company wants us to include a description of that piece of property. We also have to have an heirship affidavit from one person who is familiar with the descendants, but doesn't have an interest in the property. One of the heirs lives in Orange County so we are trying to track the person down to reach out to this person.
- RD Retention Pond
- Woodbury Water District – IMA presented it to the Town Attorney, but before we get a petition to create a water district we should get copies of Cornwall's Agreement to look at
- Bailey Farm Road – the outstanding sliver of land if that has to be dedicated as part of the road then we would have to get the owner of the property involved.

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The Mayor asked is it RD's Property or Superior Packs? I thought it was Superior Packs

Dave replied it may be. We will have John Lance map it out.

- Assessor's Issue – I understand the Town of Monroe assess properties in the Village that are in the Town of Monroe various exemptions that are for seniors at assessed value of the property and there are properties in the Village that are being assessed at different rates depending where the property is.

The Mayor stated I think where the issue comes in is that the Village exemptions do not match the Towns exemptions. The Town has exemptions at one rate and we have exemptions at a different rate.

Dave replied your exemptions follow your Village taxes.

The Mayor stated yes, it is the Village exemptions that are the issue because I think the Town of Monroe is following what the Town has on their books and not following the Village. What we may have to do is identify the exemptions and make sure that is the way we want them.

Dave replied the Town has to follow the Village's exemptions for the Village's taxes.

The Mayor stated I think that we have to go through our book and see what it is and then I'll meet with both Assessors and hopefully get it figured out for next year.

The Mayor asked the one piece of property KJ has a lien on.

Dave replied I did take a look at it. That judgement is against three municipalities (Village of Harriman, Town of Woodbury and Village of Woodbury). I can call the Attorney to see if they would waive it at all so that the Village is released from that part of the judgement and a partial satisfaction is filed

The Mayor stated because it may be in the Villages interest to get this lien released.

- Norfolk Southern I followed up with the new guy who is handling it and I was informed that it is not really a priority.

The Mayor asked did you get a chance to look at this Mutual Aid Agreement with the County.

Dave asked have you done one of these before and is it the same identical language?

Mayor replied yes, it is basically the same thing.

Dave replied if I was drafting it I would draft it a little differently. The main issue I have with it is the provision where 209m5 falls is that the municipality is requesting assistance assumes the liability. The Municipality can agree that the municipality providing the assistance assumes the cost of what this provides. It alters the statute so that if we go someplace it is on you and the language isn't really clear enough to assure that all municipalities sign this have the same understand on what that means. It could lead to Worker's Compensation issues. But unlikely if it has been working all these years and there hasn't been any issues.

Mayor stated I will discuss it with the Chief, but I believe everyone else is going to sign on because we have been doing this. I believe this has come up because of an incident involving the Town of Woodbury and the Village of Harriman several years ago. The Village of Harriman was providing assistance with Woodbury and one of our Officers got injured due to the fact that

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Woodbury was responsible for part of the claim and it was decided moving forward that everyone should assume their own.

PUBLIC COMMENT

County Legislator DiSalvo stated I have a check for the memorial sign or whatever you guys would like to use it for on behalf of former Trustee Shuart. I will take any questions that you may have going on with the County. The hot topic is North Monroe. Two resolutions we passed regarding that which made it through Rules Committee that I sit on and the full Legislature set a Public Hearing date, which will be at the Central Valley Elementary School. On the Resolution there was one date picked in July or and August date because there is continuing conversations with some folks and crazy emails going around from some people we know and some we don't. What I do understand no banks have exchanged cash to my knowledge. It is an issue that you guys know about. It is something we have to deal with and I don't know it will make it to the floor for a full vote by the time election is over. There is a full Legislature elections this year – all 21. And I will question why the County can't get back to you on the 239m.

The Mayor stated I will request that if this winds up at the legislature that they will have to vote on granting this referendum on the Town of North Monroe with the original 387 acres that you vote no.

County Legislator DiSalvo responded my hope is to get all three Boards together, but because of the open meetings law you can't have that. But I would at least speak with the Mayor's and Supervisors of Woodbury and Harriman. I spoke with the folks of Highlands and it is going to directly affect them the most.

The Mayor stated hopefully an agreement can be worked out and compromised ahead of time.

County Legislator DiSalvo replied I think if it was put to a vote right now it would die.

Trustee Chichester stated it is more to it than just the surface what is happening to the environment. We know it is affecting our water and the DEC is not going to do anything about it because of the Governor.

County Legislator DiSalvo that was the second Resolution it was the SEQRA. Basically the 2200 petitioners said no need for SEQRA and we declared it unlisted action so we are doing a preliminary report but it is going to come back to a full study.

The Mayor stated we appreciate the help and contribution.

MOTION was made by Chichester to enter into Executive Session with David Darwin, Esq. for litigation items and Attorney Client Privilege.

SECOND was made by Trustee Daly

ALL IN FAVOR

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 the Regular Session.

SECOND was made by Trustee Daly

ALL IN FAVOR

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MOTION was made by Deputy Mayor Farrell and **SECONDED** by Trustee Daly to adjourn the meeting at 9:05pm.

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk