

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

June 14, 2016

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6:45pm – Executive Session – Personnel Police

7:00pm – Audit Bills

7:30pm – REGULAR MEETING

Regular Meeting:

ROLL CALL

Mayor Stephen Welle, Trustee Colleen Farrell, Trustee G. Bruce Chichester, Trustee Borowski, Village Clerk Jane Leake, Police Chief Dan Henderson, Sergeant Adam Basilicata, DPW Superintendent John Mulligan, Building Inspector John Hager

ABSENT

Deputy Mayor Ed Shuart

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 any of the minutes of 5/10/16 and Special Meeting minutes of 5/31/16.

MOTION was made by Trustee Chichester to accept the minutes of 5/10/16 Village Board Meeting and the 5/31/16 Special Meeting.

SECOND was made by Trustee Farrell.

AYE: Trustee Borowski

Trustee Farrell

Trustee Chichester

NAY:

NONE

INFORMATIONAL ITEMS:

- Upcoming Meeting Dates:
Zoning Board of Appeals Meeting – July 6th
Planning Board – June 20th and July 18th
Village Board Meeting – July 12th

- This evenings bills were audited:
2015 - 2016
General Fund \$45,523.31
Water Fund \$22,085.77
Trust & Agency \$ 1,514.70

2016 – 2017
General Fund \$71,155.58
Water Fund \$55,290.99
Trust & Agency \$ 4,375.98

- Notified by the Town of Monroe Historian James Nelson that he is putting in for a grant for a Historic sign for the Village of Harriman describing how the Village of Harriman came to being which will be probably set somewhere in the square. A typical yellow and blue State historic marker.

- We received a decision on the matter of Phil Fagan vs the Village of Harriman respondent. The proceeding to vacate an arbitration award the petitioner or appeals from a judgement of the Supreme Court Orange County Justice Bartlett which denied the petition and confirmed the

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- arbitration award. The decision was that the judgement is affirmed, which means the Village won.
- The Independence Day fireworks in the Village of Monroe which the Village of Harriman contributes to will be Saturday, July 2nd with a rain date of July 3rd.
- This past Memorial Day service went off well. The weather cooperated and I would like to thank the Police Department and Department of Public Works for all they did to insure that it was a good day and thank the Board Members for all showing up for the services.

Attorney Dave Darwin arrived.

DEPARTMENT REPORTS:

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report.

Water Account Adjustments – see attached report

Court Reports – see attached reports

Building Department – see attached report

| | |
|------------------|---------------------------|
| \$ 583.00 | Building Permits |
| \$ 100.00 | Demolition Permit |
| \$ 225.00 | Certificate of Compliance |
| <u>\$ 750.00</u> | Violation Searches |
| \$ 1,658.00 | Total |

M&R ENERGY–

Michelle from M&R stated your current supplier came in with the lowest price. As of today the fixed rate will be 0.06927. Unfortunately the NY Independent System Operator has passed on a charge to everyone in NYS. They are regulated and when they need money they pass on those expenses to their customer. Basically this is the NY Energy Highway blueprint and there was a company created to come up with the improvements that need to be made on the infrastructure for clean power and there is always maintenance on this infrastructure. It is very expensive, both natural gas pipelines and your electrical wires. What I've done here to be fair to you is to show you what the increase is anticipated to be because I don't think it is fair to tell you it is going to be 6927 and then it comes into play and it is higher than that. This is the anticipated increase based on these new changes. There is other material going forward. You saved \$5,480.00 against the utility on the last yearly. You did fifteen months because it was a better price for that time period then for a year or two years. On your natural gas accounts I just found this when I was going through your stuff you have five accounts that the usage has dwindled to basically nothing and you pay a basic service fee on those accounts. Therefore, you might want to look into closing the gas sides.

The Mayor stated this is probably where we have generators driven by natural gas. It would only run during a power failure or when they are testing weekly for 20 minutes – half hour.

Michelle asked do you test them that frequently.

Mayor replied they are supposed to run every week.

Mr. Mulligan stated some of the buildings that had gas in them now have electric heat.

Michelle responded some of the usage was zero for months and months, going back over a year. It is just an observation and if you can get rid of a monthly service fee any time you should because accumulatively it just adds up to an expense. The last thing is because of this tot's they want to bill you separately and I know the municipality don't like this. They agreed to have one bill with all the accounts on it. So it wouldn't be that you would get a dual bill for each account. You would just get one bill for every account. When that was presented I just said forget it because I know other municipalities have

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literally taken pictures of their bills and sent us copies stating how can we keep track of all of this. I certainly understand that but summary billing makes it much easier and there is no charge to you to do that. So I recommended that they would do that for you. How far you take it out is completely up to you. You have often done three years and that one is better than the three (it is a little bit hire). I don't like going out that far. I feel like three years is just so much unknown. Could you regret it, of course, this is a commodity and the prices change every second of every day. They are historical lows and it is a good time to look at it.

The Mayor stated based upon this it would be better to take the two year rate.

Michelle replied yes, even though the fractions of a cent don't look like much. A fraction of a cent certainly adds up because you use almost a million kilowatt hours.

The Mayor opened it up to the Board if anyone would like to make a motion on it. These are time sensitive quotes and they don't last long.

MOTION was made by Trustee Chichester to accept the two year price plan on the M&R Proposal for the Constellation Company.

SECOND was made by Trustee Borowski.

| | |
|--------------------|-------------|
| AYE: | NAY: |
| Trustee Farrell | NONE |
| Trustee Chichester | |
| Trustee Borowski | |

The Mayor stated a while ago a presentation was made on the solar that was being done in the Town of Monroe and we had never received the information promised by the gentlemen.

PARK REQUESTS –

Jennifer Carrillo – June 26, 2016 – 11:30 – 3pm

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

SECOND was made by Trustee Farrell.

| | |
|--------------------|-------------|
| AYE: | NAY: |
| Trustee Farrell | NONE |
| Trustee Chichester | |
| Trustee Borowski | |

Tamara Wrenn – July 30, 2016 – 12:30 – 7:30pm

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

SECOND was made by Trustee Borowski.

| | |
|--------------------|-------------|
| AYE: | NAY: |
| Trustee Farrell | NONE |
| Trustee Chichester | |
| Trustee Borowski | |

O&R PROPOSAL –

The Mayor stated the proposal was approved at the May 10 meeting for an expenditure of \$5348.37 for a lighting upgrade. Unfortunately Orange and Rockland did not include prevailing wage which is required by law. This would have added an additional \$3,000.00 in cost. After conversations with Board Members individually it was agreed that we would move forward with the exterior lighting at the Police Station, the DPW and the Village Hall for a total cost of \$790.03, which would be an expense on the 2015-2016 budget.

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MOTION was made by Trustee Chichester to accept the exterior lighting O & R Proposal for the Police Department, DPW and Village Hall.

SECOND was made by Trustee Farrell.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

SERGEANT POSITION –

The Mayor stated in January of 2014 Sergeant Cruz injured himself in the line of duty. As it became apparent that he was going to be out indefinitely, in July 2014 Officer Basilicata was temporary promoted to the position of Sergeant (July 10, 2014). Recently we have been notified that Sergeant Cruz is permanently disabled and was placed on disability pension for NYS effective May 16, 2016. At this time the Chief requested that Sergeant Basilicata be granted a permanent Sergeant position at the appropriate pay in accordance with the PBA contract with his probation period completed, effective Thursday, June 16, 2016.

MOTION was made by Trustee Borowski to grant Sergeant Basilicata the permanent position of sergeant effective June 16, 2016.

SECOND was made by Trustee Chichester.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

The Mayor stated I appreciate all that you have done in almost the last two years as interim position. We really do appreciate it.

Sergeant Basilicata replied thank you.

2016- 2017 BUDGET MODIFICATION

The Mayor stated at the May 10th meeting I reported on some revisions for 2016-2017 Budget due to incorrect taxable values provided by the Town of Woodbury from the previous year. This year I personally called the assessor in Woodbury prior to calculating any of the budget numbers. On May 11th the day after our meeting the Treasurer was notified by Orange County that the Woodbury tax value number was incorrect again. The Budget has once again been modified to reflect the current tax value. The result is .0148 per thousand increases for Monroe with the average homeowners bill increasing an addition .74¢ and .0066 per thousand for Woodbury with their average homeowners tax rate raising an additional .34¢. The differences are again due to the NY Equalization Rate. In an effort to avoid this moving forward next year prior to calculating the tax budget information regarding rates we are going to verify with the County any and all numbers we get from the local accessors.

POLICE CHIEF REQUESTS

The Mayor stated the Police Chief Conference July 10th – 14th with a cost of \$808.00 plus mileage and meals.

MOTION was made by Trustee Borowski to approve the Police Chief Conference.

SECOND was made by Trustee Farrell.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

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The Mayor stated there was an inter-municipal agreement with the County for Stop DWI Enforcement in an amount not to exceed \$2,452.00.

MOTION was made by Trustee Chichester to approve the inter-municipal agreement for Stop DWI Enforcement.

SECOND was made by Trustee Farrell.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

FIRESTORM ROLLER DERBY REQUEST –

The Mayor stated we had a representative from Firestorm Roller Derby here not too long ago and in the meantime Trustee Farrell and I have met with the representative and there is no one from Harriman in the League. There were several concerns, that being one and the other issue is it appears that this is being run as a business which would violate the rules of the Mary Harriman Park. Therefore, at this time we cannot recommend to the Board that we allow this to move forward unless someone wishes to make a motion to the contrary.

The Mayor stated there being no motion it will not be approved and I will notify them.

VACATION CARRY OVER REQUESTS –

Carl Schaefer –

The Mayor stated Carl Schaefer has 24 hours over the limit. He is looking to carry it over into the first quarter.

MOTION was made by Trustee Chichester to grant Carl Schaefer the 24 vacation hours into the first quarter.

SECOND was made by Trustee Farrell.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

The Mayor stated I think it is good in doing this because Carl is a very dedicated employee and many times he could have taken time off and he didn't because he knew there was a lot of work that needed to be done.

John Mulligan –

The Mayor stated John Mulligan has 56 hours additional time which he was not able to take due to everything going on this past year. He is requesting it be carried over and knows he has to use it.

MOTION was made by Trustee Chichester to grant John Mulligan the 56 vacation hours carried over.

SECOND was made by Trustee Borowski.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

The Mayor stated John has had a lot going on in this past year and I appreciate all he has done.

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WATER ACCOUNT 3357 –

The Mayor stated he would like to have his late fees waived. In the past 10 quarters he is about 45% of the time late, if anyone wishes to make a motion to waive his late fees.

No motion – denied.

BOND RESOLUTION –

The Mayor stated apparently several years ago the telemetry system we have was declared to be obsolete. Parts are no longer made for it. About two years ago is when it really came to the attention of the Village Board. We have been looking into many options since then. We knew it would be an expensive proposition but it has to be done. As there are several call outs due to the failing equipment and there are a lot of things that can't be done remotely. Wells are operated manually, etc. I looked a while ago at all these grants that our governor talked about in the water infrastructure grants and it did not appear to me that we would qualify. Lanc & Tully Engineering has a grant writer on staff; therefore I requested that they look into it. While a control system would be acceptable for the grant it would not score very high and with the income average in this area it would score even lower and they were basically advised by the Environmental Facilities incorporation who deals with this money that we would not get any money for this. Therefore, there was no point in spending any more money trying to pursue a grant that we were going to be turned down on. Mayor read the following portion of the Bond Resolution:

BOND RESOLUTION OF THE VILLAGE OF HARRIMAN,
NEW YORK, ADOPTED JUNE 14, 2016, AUTHORIZING THE
INSTALLATION OF A NEW SCADA SYSTEM FOR THE
VILLAGE WATER SYSTEM, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$400,000, APPROPRIATING
SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING
THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT
OF NOT TO EXCEED \$400,000 TO FINANCE SAID
APPROPRIATION

The Mayor stated we wouldn't take any more money then what it would cost. There would be a bidding process, etc. for going out for this system. It will be posted and published in the appropriate places and available here.

MOTION was made by Trustee Chichester to adopt the SCADA Bond Resolution subject to permissive referendum.

SECOND was made by Trustee Borowski

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski
Mayor Welle

NAY:

NONE

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INTERIM PLANNING BOARD CHAIRMAN –

The Mayor stated unfortunately Planning Board Chairman Don Danzeisen has been ill for the past month and will be unable to attend the last couple of meetings. In the interim I would like to name Irma Escallier the interim Planning Board Chairman until such time that Mr. Danzeisen is able to resume his duties.

MOTION was made by Trustee Farrell to appoint Irma Escallier as the Interim Planning Board Chairman.

SECOND was made by Trustee Chichester.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

REQUEST DPW SUPERINTENDENT –

The Mayor stated the DPW Superintendent has put in a memo to the Board in regards to the upgrades for Mary Harriman Park due to the failing equipment.

Mr. Mulligan stated basically we have things that are worn out, broken and rusted which are in need of replacement. I am proposing to put new swings in and a play set. Currently we have two slides down below I can no longer get supplies for. The other one we put trek decking on top of the rotted metal which have bolts sticking down and it is really not what it was designed with. We recently removed the volcano playset because for the sun that has deteriorated so badly that it needed to be removed. The merry go round as well is ready to pop through the center. I am also proposing down below, along with the part equipment to put in a new fence – to keep people off the grass, give it a park like feel, to protect the children in there and keep the vehicles off the grass. Right now we currently have parking lot bumpers made out of concrete with rebar pins that are sticking out of the top of them. It is dangerous and doesn't provide much protection for the children. I have gone so far in getting estimates for the wood, for the replacement of the equipment. Obviously whatever I did here I would present to the Board for approval. In the parking lot in the area down below we removed the rubber and concrete bumpers. What I plan on doing is stripping the whole parking lot out to make it look like a parking lot because many of times I have seen people pull right up to the playground where it says no parking. I think people don't know where they should be parking down there.

Trustee Borowski asked do you calculate how many total spots by officially lining it we would be able to get.

Mr. Mulligan replied I am in the process of doing it. I want to try to maximize the most spots I can get. Looking at it with Steve, we were originally looking at stripping it out straight but it looks like we would be able to gain more spots by putting them on an angle, in certain spots. I am meeting with a lady in the morning to look at this, to see how we can maximize on the spaces. Along with that we are going to try to fence off around the DPW Shop where the trucks are to basically protect the children from getting into the equipment or anyone who shouldn't be back there. We are trying to put up a privacy fence so people don't have to look at that and more like a park that is the whole concept and idea here. Along with the plans we have I would like to make a walkway from the handicap parking spots to the pavilion. That is the master plan as of now that I would like to see happening. If we get rid of the roller hockey rink that other idea I had is possibly a volley ball court, where we would outline it with the 6x6 ties, fill it in with sand and have a volley ball net, which I think might be used a lot. These are my thoughts for the park for this year as of now.

The Mayor stated to do this as per the memo the Board would have to authorize 40,000.00 from the Parkland Reserve Account which would have to be published and subject to permissive referendum prior to any money coming out of the account. That is what this has been put in for all these years and it is time for some of the equipment to be replaced.

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Trustee Farrell asked so we have the funds available? The equipment is not safe.

The Mayor replied funds are available. The worst has been removed and there is some that he is watching. They are still safe now but if he gets this year out of it that will be a lot and this stuff is expensive to replace.

Trustee Borowski asked can you keep some of the toys that are down there now or will it all be replaced?

Mr. Mulligan replied no it will not all be replaced. The things I do need to take out is the merry-go-round and the two slides and with the place sets that I had in here some of them had a duel side on them. So that would take care of the two slides and possible have more equipment and more things for them to do on their other than just a slide. To answer your question right off the bat what would have to be replaced is the two slides and the merry-go-round.

Trustee Chichester commented this account was set up specifically for this use it can't be used for anything else. This is the reason.

Mr. Mulligan stated anything we look into, obviously I would let everyone know and give everyone quotes and as long as everyone is on board with it then we would proceed to move forward. That is the idea here to make a nice place and have everyone's input.

Trustee Chichester replied I have heard this before and appreciate your presentation.

MOTION was made by Trustee Chichester to approve the upgrade request for Mary Harriman Park using the Parkland Reserve Account including publishing and posting and waiting the 30 days prior to expending anything.

SECOND was made by Trustee Borowski.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

ROAD SALT STORAGE –

The Mayor stated obviously we had chloride issues with some of the wells and the location of the Village salt shed and the condition of it is not really conducive. So I am looking for authorization to negotiate for off-site salt storage knowing that no deals could be made until they were brought to the Board for approval.

MOTION was made by Trustee Chichester to approve authorization to negotiate for off-site salt storage.

SECOND was made by Trustee Farrell.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

WATER EXPLORATION –

The Mayor stated when Caesar was looking to go into Site 1 of ICC they had set up an escrow account with the Village and LBG was doing the work that they need done on behalf of the Village searching for water. Caesars is obviously gone and there is another firm looking at that property and they would like to do further water exploration on that site and would like to work it the same way by setting up and an escrow account in an amount determined by Tom Cusack with the Village because ultimately that will be part of the Village's water system. Again LBG with Tom Cusack will be doing the work and having it done.

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MOTION was made by Trustee Chichester to approve setting up an escrow account with amount to be determined for Site A on ICC property for water exploration.

SECOND was made by Trustee Borowski.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

The Mayor stated Tom Cusack is still looking in the Village and in also in the entire water service area for additional water sources where we can drill wells.

EMPLOYEE HANDBOOK –

The Mayor stated in the Employee Handbook Section 810 regarding vision allowance and the existing one there is a flat \$100.00 per fiscal year and the proposed new language, non-union employees, would be a vision care plan or the \$100.00. The employees would have to choose one or the other. We would need to adopt this change in the Employee Handbook to enact this policy.

MOTION was made by Trustee Chichester to approve the vision care plan policy (Section 810) change in the Employee Handbook.

SECOND was made by Trustee Farrell.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

DPW – TRAINING REQUEST –

The Mayor stated there is a DPW request for some training seminars.

- 1) August 18, 2016 at the Maybrook Fire House
- 2) November 16, 2016 at the Montgomery Senior Center.

The Mayor asked John Mulligan if he will be attending one or both?

Mr. Mulligan replied no, I will be staying back.

The Mayor stated as we have two water operators other than yourself. It would be my recommendation that one water operator stay here each time. We allow one water operator to go to each of the schools and then the other with the class D license go to get there credits. I would let John determine which water operator stays, but I think that would be the best way to do it so that we do have another water operator here where we had issues. We will have other things coming up and hopefully by then we will be in the SCADA system and everything else, you can't commit to having everybody gone, especially where it is not a seminar that is close to the Village. There will be 4 employees going to each of the seminars at a cost of \$30.00 per person.

MOTION was made by Trustee Farrell to authorize the DPW training requests for August 18, 2016 and November 16, 2016.

SECOND was made by Trustee Chichester.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

WORK SYSTEM UPGRADE –

The Mayor stated LBG with Tom Cusack and Lanc & Tully Engineering are working on a permanent solution to the chloride issues and the high pressure side of the water system. It looks like it will involve

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adding a booster station, valves and electric service. It is estimated that this will cost \$50,000.00. The way it is laid out it will solve the chloride issue on the high pressure without it negatively affecting the low pressure side.

BUDGET TRANSFERS –

The Mayor stated we have a revised budget transfer for 2015-2016.

MOTION was made by Trustee Chichester to approve the revised budget transfers dated 6/10/16.

SECOND was made by Trustee Farrell.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

The Mayor stated we have budget transfers for 2016-2017 in regard to the ratification of the DPW and the Police Contract.

MOTION was made by Trustee Farrell to approve the budget transfers for the 2016-2017 budget.

SECOND was made by Trustee Chichester.

AYE:

Trustee Farrell
Trustee Chichester
Trustee Borowski

NAY:

NONE

ATTORNEY REPORT –

The Mayor stated regarding the Woodbury Water District it was said today instead of going through the whole thing and forming the District. If we were to request that the Town of Woodbury Town Board in November of each year levy the outstanding water bills on to the Town tax bill without a Water District.

Attorney Darwin replied I will look into it.

The Mayor stated they do it for the Fire District. It was brought up today by the Town Clerk in Woodbury.

Attorney Darwin commented I haven't seen anything like that. Everything I have looked at involved a creation of a Water District in order to levy the outstanding charges on to tax bills, but I will certainly take a look at it.

The Mayor stated if not then we will have to keep proceeding in form the District in able to recover the money.

Trustee Chichester commented even if no one is doing that would you also look to see if it is legal. Just because no one is doing it doesn't mean that it is not legal to do it.

Attorney Darwin responded that is true. My understanding is the reason it is done that way is because it is the only legal way to be able to levy the outstanding charges on the tax bill. Everything I have looked at was structured that way because I think it is legally required to do it that way. But I will certainly take a look and it would be a creative way to do it. I wouldn't say no just because no one else is doing it. I would say no if it not legally permissible.

Attorney Darwin stated the only other item is the wetland litigation. As you know the Army Corp. required a conservation easement.

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The Mayor commented this is in regard to the Mercedes wetland mitigation they are doing in the Village of Harriman on the corner of North Main and River.

Attorney Darwin continued I was provided with a draft conservation easement by George Lithco, Attorney for Mercedes. There are some changes that need to be made to it. I have discussed that with the Mayor and George. He agrees with me that it needs to be modified. We had a conference call scheduled for today with the Attorney for the Orange County Land Trust being the holder of the easement, George and myself, but it was rescheduled for tomorrow morning to go over those items.

The Mayor stated the Building Inspector presented the Board with a memo regarding some abandoned and unsecured buildings in the Village and we are going to need to discuss where we are with our liability and responsibility on how we would deal with these individual properties to secure if in fact we have any responsibility or liability in Executive Session.

PUBLIC COMMENT –

No comments.

MOTION was made by Chichester to enter into Executive Session for Attorney Client Privilege, Personnel and Litigation items.

SECOND was made by Trustee Borowski.

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., Building Inspector, John Hager and DPW Superintendent, John Mulligan

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

SECOND was made by Trustee Borowski.

ALL IN FAVOR

MOTION was made by Trustee Chichester to approve Carl Schaefer to carry over 4 personal days to the 1st quarter of the 2016-2017 fiscal year. These days are a one-time exception.

SECOND was made by Trustee Borowski.

ALL IN FAVOR

MOTION was made by Trustee Chichester and **SECONDED** by Trustee Farrell to adjourn the meeting at 9:25pm.

ALL IN FAVOR

Respectfully submitted by: _____

Jane Leake, Village Clerk