

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
June 12, 2018
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6:45pm – AUDIT BILLS
7:15pm - PUBLIC HEARING – Local Law #6 – Zoning Amendments
7:30pm – REGULAR MEETING

PUBLIC HEARING

NOTICE OF PUBLIC HEARING CONTINUATION – Mayor Read:

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law # 6 of 2018 amending and revising various sections of the Code of the Village of Harriman pursuant to Sections 10 and 20 of the Municipal Home Rule Law at the Harriman Village Hall **at its new, temporary location at 12 Church Street, Harriman, New York (formerly the Harriman School)** on June 12, 2018 at 7:15 p.m. or as soon thereafter as the matter may be heard.

The purpose of this local law is to amend and update the following sections of the Village Code: Chapter 14 – Zoning, including additions and amendments to § 140-4 (Definitions); Article VI (§§ 140-37 - 140-41, Planned Unit Developments); Schedule of District Regulations, Parts 3, 4 and 6, relating to PAD, B-1 and B-2 zoning tables; and deleting § 140-13(e) (Accessory Buildings/Garages). A copy of the proposed local law will be available for inspection at the Village Clerk’s office located at 12 Church St., Harriman, NY.

All persons interested in the subject of the proposed local law 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 stated since the original hearing we did receive correspondence from consultant of the Gardens at Harriman and Kieran Begley regarding recreation use, other than that have we received any correspondence?

Ms. Leake replied no.

Mayor continued the updated copy of the proposed zoning changes was sent to the Planning Board as it appears there has been confusion with the original so in an effort to be sure everyone is looking at the same document and have the ease of comparing we have asked the Planning Board to take another look at these amendments and changes for their further review and at the end of this Public Hearing tonight I am going to suggest we leave the Public Hearing open to the next meeting in order to get there comments back and any others. This is to get everything taken care of in one shot.

Lou Medina – Oxford Lane - I attended a Planning Board Meeting where the original proposal was distributed on May 21st. It is good to know there is another version. It was a delta version that I was crossing referencing that to the Zoning Codes. I am going to go off the original proposal not the red line version. On page 3 accessory building structure or use. The last sentence says an accessory building structure use would be less than 50% of the total square footage of the principal building structure or use to which it is accessory. Two comments on that: I think 50% is very high, I think 30 – 40% would be better with an emphasis on the 30%. I also think the wording where it says shall be less than 50% of the total square footage of the principal building. I think it should say within the principal building because it is a little ambiguous as to can I add 50% to my already existing principal building, if that is the intent, that is what it says. If it is not the intent I think within should be used rather than of the principal building. With respect to accessory it doesn’t seem to be addressed.

Mayor replied it is not addressed in this, but it is addressed elsewhere in the Code.

Mr. Medina continued – I didn’t see any changes to Article 7 perhaps I didn’t get the complete list; iii on that same page (3) I am not sure what the intent of that was because in case of a bi-level building where 4’

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of the first floor is below grade is that not considered a story, if the next level is 4' above it. So, if there is an 8' story is that not considered a story because you are limiting it to 6' so in most cases bi-levels have a 4' below grade on their first floor or story. 4' above that is the second floor. I just want to understand where 6' came in because does that mean that is not a story based on the way it is describing it should be. Section 3 under 140-39 aa the second to last paragraph the maximum number in the last sentence in that paragraph the maximum number of multiple family units shall be 50% of the total development. I think it is to high. I think it should be somewhere between 30-40%. On b the last paragraph on page 3 none residential uses shall be permitted, now this is under permitted uses section and you are stating again nonresidential usage shall be included. It seems a little vague the way it is, and I think that will leave room for subject to interpretation the way that is worded. On page 4 i we are changing from 300 to 100 dwelling units. I think in a mixed ratio that is kind of high. What we are saying there is a commercial building can be built within one hundred dwelling units as opposed to 300 which can leave to 3x as many commercial within that so that mixed ratio seems a little high to reduce it down to 100. In ii we are saying it shall not exceed 20,000 square feet that seems large also. In iii the line that begins with #4 commercial uses shall include personal service businesses. The definitions that are defined within the Code define that as personal service establishments there is no definition for personal service businesses. We can all figure out what that means but there is no definition for that and if we are going to add a new term then maybe it should be neighborhood service businesses as oppose to personal. In B Section 140-40 iii that begins with B period this is addressing an area that the Planning Board probably hasn't seen or at least hasn't been distributed because the schedule has changed. I haven't seen the schedule of Districts. It is kind of hard to figure out what these changes are. I know that PUD is added and there are some other changes. The fourth line where it begins with d. it says 80% of said gross area by the minimum land areas required under in. I think it is a typo there. Page 5 Land Unit Development I was at that meeting and heard new terms mentioned as far as alley ways and service roads and I think it would be beneficial to have definition of an alley way and/or a service road and then use those terms because it was important to them in this area. Under the vi. Your removing the provisions in 140-19 which is well and good but there are no restrictions to find anywhere else to cover that provision. So, it is like removing the provision but not amending it so then that means there are no restrictions on that. The table that is there the dwelling type for PUD's I'm not sure why the minimum lot per unit was removed and I'm sure there was a lot of discussion about it. I just couldn't understand the intent of removing that from the table. Page 6 Section C amendments to 140-41 is amended by deleting the last two sentences thereof. That Section only has two sentences in it so are you really removing the entire section and at a minimum the first needs to be there. it is addressing open space. I can't think that is your intent. The bottom of the page (6) again not having the District Schedule it is difficult to cross refers anything. Page 7 you are saying the Private Storage Facility is being removed and being replaced by this. You are moving it from one place and adding this private storage facility, so it is very confusing as to whether Commercial Storage is allowed. Is the intent to remove Commercial Storage from that Schedule and 6. Where it is Outdoor Café should there be Code for Outdoor Café there is none. It is just a described term. Page 8 Section C the first sentence I think is just a typo in the first row under the column heading no 2 I think it is in the first Column under no. 4 no. 2. Again, need to see the new Schedule. Under C vi. Maximum Building Height maximum stories is deleted so are there limits? Is unlimited the intent? Under vii. Minimum habitable dwelling area is changed from 1,200 sf per unit to 800 sf per 1-bedroom unit and 1200 sf per 2-bedroom unit. That seems small. I know that is probably with the intention of the PUD. The last comment I would like to make was about the Accessory Apartments Chapter 140 Article 7 Harriman's Code needs attention in that area. In the Town of Monroe their Chapter 57 Accessory they made a lot of good implementations. They adopted their law in November 2017 and just the definition even. Our definition is very minimal. The Town of Monroe defines the Accessory Apartment located entirely in a single boundary. That wording is not in our definition. To provide an opportunity for the development for a small rental housing unit designed to meet the special housing needs of senior citizens single persons in small households that was the intent of the law decades ago when it was first implemented and of course that has changed form it intent. So now they added that to their Local Law and I think we should do the

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same and in fact I think what we should be doing is paralleling their Zoning Code specifically to Accessory Apartments so that we are in line with what they are doing and for the same protections. They define the size of accessory apartment to be 30% of the building or 750 square feet whichever is larger. We don't have such in our Code. We define ours as 12 months and theirs is 10 years and that is part of their recent change. Parking lot size facing is 2 parking spaces per unit and we have 1.7, but what we are missing is no use shall be permitted to an accessory park and if it is not in the Code someone can and may do it. So, I think it is wise that the Town of Monroe added it to theirs. No exterior changes or expansion is in the Town of Monroe not in ours. The maximum lot coverage for a single-family tax dwelling should not be exceeded it is not in ours. The distinction between a detached accessory building and an accessory apartment we don't make such an extinction, they do and that is important because people have different ideas of what is an accessory apartment. Is it a detached building, is it just me adding on to my property, is it with inside the building. I think it is important to include that specific to the Zoning. Accessory Apartment should be valid for a period of one year which means it is being recertified. Whether that is going to happen that is another story but at least it is in the Code so that if we did want to do it or the Town of Monroe wanted to do it they can. I'm just suggesting we approve these things specific to our Zoning and Accessory Apartments.

Howard Geneslaw, Gibbons PC representing the Gardens at Harriman Station we did submit comments dated May 9 and I assume those were the ones that were referred to at the start of the meeting.

Mayor replied yes

Mr. Geneslaw continued I am happy to go through those in detail and answer any questions but perhaps it will be more productive since this is going back to the Planning Board at this point to work through the technical details of the Planning Board level and then address any further issues with the Trustees.

Mayor stated if you want to give a quick overview, so the Village Board has a chance to hear it.

Mr. Geneslaw stated we had identified about a half a dozen specific items that we propose be further considered and perhaps refined. Percent of Multi-Family Units, we were suggesting that a 60% percentage be permitted whereas the current draft of Local Law proposes 50% and the reason behind that is the grading on this site is very difficult and an unusual shape, triangle in nature which makes it challenging and in terms of what the market will demand in several years when these are all completely constructed. It will be helpful to have some flexibility. The second item has to do with the fact there is an intermunicipal boundary line which runs through the property we will be acquiring and we understand that it is the Building Inspectors point of view that no set backs are required from the boundary line even though it is technically also a lot line that obviously makes sense but we thought it would be helpful to have that clarified in the Code so it would be consistent over the long term. Regarding Setbacks there is a provision which provides for a 10' setback from the edge of pavement of all internal roads and the way that was intended was for that to apply to the front of the building which is facing the street not to alleys and service drives that provide access to the rear in terms of providing access to garages, service vehicles, etc. so, we are suggesting that there should be a provision which would provide for an exception for service drives and alleys that would not be subject to that setback requirement. There is also a provision concerning the pavement width and again it is focused on the main road in front of the buildings based on whether parking is or is not provided we were suggesting that there be an exception for the access roads and alleys that provide access in the rear. To provide with a smaller pavement width. With respect to parking your current Code provides or requires that there be 3 parking spaces per unit. At the moment it is not proposed to change. We had suggested being this is a PUD that the parking of 2 spaces per unit for 1 and 2-bedroom units be in that they generate less parking we don't want to build more parking than necessary. With respect to building height the current Local Law before you has a definition in terms of how you compute the building height, it is complex, but I understand it was worked out with your building inspector. There is a building height limit of 35' but there is also a current limit of 2 1/2 stories and it would be our request that the height be regulated just based on the number of feet, the 35' rather

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then also having a restriction based on the number of stories which will allow for flexibility in the design and construction of buildings and then finally there were some minor typographical types of suggestions clarifications and things like that that we flagged as well, which you might consider making the Local Law read more clearly and hopefully avoid any disputes later on how it should be interpreted. We will attend the Planning Board Meeting and go through in greater detail.

David Niemotko Architect stated I have a project that has been before the Village of Harriman first its Zoning Board and then Planning Board and if has been in existence now for about a year and a half, so we have been vigorously working through the design phase to allow this project to continue. If this new Law goes into effect it will dramatically affect this project. Very briefly we received a use variance definition that allows an office building to have a commercial storage accessory use, but the percentages of the use between the office and the storage was not defined so the Zoning Board did not define that, so it can be equal opportunity or equal square footage, unequal there was no ratio or proportion established. What I understand from this new law that is proposed that would establish a ratio or a percentage which would greatly impact the project to the point where we would have to go back, and redesign and a lot of money has been expended through the Zoning Board and Planning Board to get to this process, so I would ask if the Village Board would consider some type of relief from for our project regarding its effective date. Perhaps the project we have currently before the Planning Board can have a standing under its current Zoning as oppose to a new Zoning that would go in to effect as whatever time that may happen. That is all we wanted to ask of the Board to consider along with the Planning Board so that project wouldn't have to suffer such a huge financial deficit.

Mayor asked so you have an existing project in front of the Planning Board currently?

Niemotko replied yes.

Mayor stated it is something we would have to take up in a portion of the Regular meeting we can not take it up during the Public Hearing to make a decision on it, but your request would be that you are grandfathered in under the existing Codes for your current project?

Niemotko replied correct.

MOTION was made by Trustee Chichester to keep the Public Hearing opened along with accepting written comments up to and including prior to the August 14, 2018 meeting.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

REGULAR MEETING

ROLL CALL

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

ABSENT: Chief, Dan Henderson

The Mayor asked everyone to stand for the Pledge of Allegiance

APPROVAL OF MINUTES

Mayor asked if there were any changes or corrections to the minutes of April 10, 2018 Regular Board Meeting.

MOTION was made by Trustee Daly to accept the minutes of April 10, 2018 Regular Board Meeting.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

NAY:

NONE

ABSTAIN: Trustee Borowski

INFORMATIONAL ITEMS:

This evening's bills were audited:

2018	Trust & Agency	\$ 3,239.52	2019	NONE
	General Fund	\$ 60,302.93		\$ 87,092.50
	Water Fund	\$ 65,234.87		\$ 50,433.63

- Upcoming Meeting Dates:
ZBA – July 11, 2018
Planning Board – July 16, 2018
Village Board – July 10, 2018
- Brush Policy –butt end out toward street, nothing larger than 4” in diameter and no more than 100lbs at a time.
- Back to School Supply Drive – Any school supplies new or gently used that the less fortunate in the area can take advantage of. We were very successful last year, and a lot was donated which helped the children in the school district.
- We received a fully executed Cable Franchise Agreement from Frontier. It will go through the PSC now for their approval before anything else would happen.
- We have openings on the Planning Board and Zoning Board of Appeals. Anyone interested please submit a letter of intent to the Village Clerk.
- Orange County Association of Towns, Villages and Cities meeting in Warwick and discussed there was the taking taxes and considering them a charitable contribution. Something that was floated by the Governor. It was too late in the year for the Village to consider it for Village taxes, but I’m sure the Towns are going to look into it and they are expecting to get challenged on it.
- Two Park Requests since the last meeting that were approved by my office since they were before this meeting. On June 9, Herrera and Memorial Day the Mulligan Eden Post for their Annual Picnic.
- Regarding Memorial Day I want to thank the Board Members who attended. Thank the DPW for everything they did and the Police Department for all that they did in keeping everyone safe during the ceremony that day
- There is temporary access and parking to the Edward B. Shuart Memorial Playground on South Main Street. Hopefully soon construction will begin at the old Village Hall and the normal entrance will be closed off, so we have constructed temporary parking and access off South Main Street.

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- June 16 the Town of Monroe is having the first Annual Community Day and they are honoring First Responders. It will be held at their park on West Mombasha Road.
- We did receive an Amended Scoping Document regarding The Gardens at Harriman Station from the Village of Woodbury Planning Board. It is here if anyone would like to look at it.
- The Annual MS4 Report has been filed with the DEC regarding Storm water run-off which needs to get filed annually.
- Last year a young girl in the Community wanted to do a Botanical Sanctuary and the Village agreed to taking the parcel at the intersection of River Road and North Main Street. Over the winter one of the trees died and when we went back to the nursery to get another one and when they found out that one of the trees had died they donated a new tree and a dozen rose bushes to go down there. Everything has been planted and it is looking nice down there.
- Received numerous phone calls and emails regarding the Heritage Trail and lack of access in Harriman. As I stated before the Heritage Trail is a County Park. When the County finished designing the portion to Harriman they neglected to include an entrance or a parking lot. I have been working with them for over a year and we had basically an agreement last early Fall. They have worked out most of the legal issues and have designed the parking area and entrance and they anticipate within three to four weeks to commence work. If any one wants to complain the County has plenty of phone numbers.
- I attended a meeting regarding Orange County Sewer District #1 with several Legislatures. Almost every Community that participates in Orange County Sewer District #1 was represented as were the DPW Commissioner and the Assistant Commissioner in charge of it. They got quite an ear full. More then they expected and will see if we get anywhere in making improvements there.
- ADDITIONS
 - 14a) Park Request - Miranda
 - 14b) Water Accounts 685 and 683
 - 14c) Mr. Niemotko's Request

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 - \$11,788.00

Village received - \$6,755.00

Building Department – see attached report

\$ 728.00	Building Permits
\$ 800.00	Violation Searches
<u>\$ 150.00</u>	Building Permit Extensions
\$ 1,678.00	Total

M & R ENERGY PROPOSAL

Michele stated you use 810,000kw hours approximately every year. You have a current rate of 6930 which is the last agreement, but with the clean energy act it drives up the rate to 727 because it is a change of law they are actually allowed to change your fixed rate which is not something that anyone is happy about but unfortunately that is the reality of it. The new price that has been bid out does include the clean energy act so that is something we make sure that is being included. Everything is approved by the Public Service Commission. This is under the Orange County bidding process, so they bid out the

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consultant and a lot of the municipalities in Orange County go under the bidding process. You can see here that Constellation was the lowest bidder. The Village has had Constellation and they have been unhappy with them because the billing was a dual bill. You were getting a bill from Orange and Rockland and Constellation and initially they made that seem like it was going to be very easy and a summary bill. I came a while back to go through bills and it is a nightmare. It is often with Municipalities because you have so many accounts. What Constellation is going to do is bill consolidated so, it will go back on to the O&R bill because they won the bid. Because they won the bid I said they are not going to keep you unless you do the consolidated billing. I will just be a line item on the O&R bills and all the bills from Constellation will go away so that will save a lot of work for the Village. You will be back to a single bill for each account with O&R. I was suggesting either the fourteen months or the twenty-five months because basically I always ask for twelve twenty-four and thirty-six, but you are getting a weighted average on how natural gas is trading on the NYMEX. I always ask for sweet spots which are anything that falls somewhere in there that might look a bit better. Sometimes it dips down each month for one reason or another. So those are the two lowest points and it would be silly to pay more for twelve months rather than go for fourteen and the same thing for twenty-four to twenty-five it is lower, and it is a savings. The annual saving is the 10,675 off your existing rate and this is the lowest rate the Village has ever had.

MOTION was made by Trustee Chichester to accept the Constellation Proposal at the twenty-five months rate of \$0.05952 with the consolidated billing.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

OVARIAN CANCER AWARENESS MONTH

Colleen Farrell, Village of Harriman and Cathy Calhoun Village of Monroe

Ms. Farrell stated September is Ovarian Cancer Awareness month and in the past the Village of Monroe has put out teal ribbons throughout the Village for the month of September and it is a movement that was started in New Jersey by a woman who had ovarian cancer that has passed away, but it has turned the Towns teal and it is a teal ribbon campaign that has since gone National. Cathy has been instrumental in bring this to this area. She is the one responsible for put all the ribbons in the Village of Monroe and the Village of Warwick so this year we would like to extend it and bring it into the Village of Harriman and the Town of Monroe, so we can turn the whole area teal. So, what that would involve is September 1st the ribbons go up and September 30 they come down. Cathy myself and those that are helping us would be able responsible in doing that. So, we would need permission from the Municipalities that we are doing to be able to put it on some of the, in this case, the Village property. Just to give an idea as a visual this is what the ribbons look like just to give an idea – picture passed around. We were kind of thinking for Harriman we were looking at Church Street, the center, maybe some on Grove and River Road. We are going to go to the Town of Monroe next week and then the Village of Monroe.

Mayor asked will you be looking to put them on private properties also?

Ms. Calhoun replied some business owners have called and ask me if I would please put them on their property, which is very nice to hear. I have been doing this for over ten years so a lot of people in Warwick call me up and say can you include my store and I am always happy to hear that. Even the library asked if I can bring some inside. It also comes with some informative cards of systems. Maybe a couple of days prior, I walk in all of the stores and ask them if they would like some cards in there and they are always happy to do that. There is no precise test for this so awareness is VERY IMPORTANT. When I started in Monroe they were reluctant because you always think are they going to take the bows down, is it going to be a mess. I understand all of that, but now when I come in they say Hi Cathy it is good, and it is the same way in Warwick. It has been very nice, and they have been very, very helpful so it has been a nice thing.

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MOTION was made by Trustee Daly to approve the Teal Ribbon to be put up on September 1 and taken down on September 30.

SECOND was made by Trustee Chichester

AYE: Trustee Borowski
Trustee Chichester
Trustee Daly

NAY:
NONE

ABSTAIN: Trustee Farrell

Trustee Daly stated I would like to volunteer to help.

LOCAL LAW #6

Mayor stated we will not be taking any action on it this evening as we have kept the Public Hearing opened and it will be on the August agenda for the Village Board since the Planning Board will not be able to meet in June and get back to us. Feel free to submit any additional or new information to the Board for review.

RBT PROPOSAL – Court Audit

The Mayor stated the RBT Proposal is to do the annual Justice Court Audit for fiscal year ending May 31, 2018 with a cost of \$2,200.00.

MOTION was made by Trustee Chichester to accept the RBT Proposal with a cost of \$2,200.00.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

INSURANCE RENEWAL

Mayor stated we receive the insurance renewal for the Vehicle, Building Liability Insurance which is about \$800.00 more than last year. There is a limited amount of carriers that will even bid on a Municipality and the \$800.00 addition includes the fact that we are now insuring contents in this building and we have two additional vehicles.

MOTION was made by Trustee Daly to approve the new CLG Insurance policy.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

WATER TREATMENT OPERATOR STATUS

Mayor stated several months ago the Board approved sending Matt Pascullo to school to be a Water Treatment Plant Operator. He went to the school and passed the school. He has been working gaining experience. We had decided last month that as of June 1 that we would upgrade his title to Water Treatment Plant Operator and give him the appropriate salary increase. When the paperwork was sent to the County Human Resources it was rejected because now he must take a Civil Service Test because now it is a competitive position. The Board had agreed, and we gave him the money effective June 1. He is still working as a Water Treatment Plant Operator under John's license and he must take the County Civil Service Test and of course be within the top 3 in order for us to appoint him here.

CERTIFIED APPRAISAL SERVICE PROPOSAL

Mayor stated we received a price of \$450.00 to do an updated appraisal on a certain piece of property located within the Village which the Village is interested in purchasing.

MOTION was made by Trustee Chichester to approve Certified Appraisal Services Proposal of \$450.00.

SECOND was made by Trustee Farrell

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AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

HEARING – 2 MAPLE AVENUE 103-2-3

Mayor stated due to the fact that the report from the Village Architect came close to the last meeting it was decided we would have an additional hearing this evening on the issues that surround this property. We had had reports from the Building Inspector and an updated report including all the Violations and Deficiencies that have been listed and recorded and sent to the property owner. We have the Architects Report which lists several deficiencies and recommendations. As of this afternoon there has been

virtually nothing done since the last meeting to remedy anything. The owner has not done anything to rectify the issue with taxes or water bills. The owner has not contacted the Building Inspector to set up an appointment or to do anything else regarding the report from the Building Inspector. John at this time do you have anything further to report.

Mr. Hager replied nothing has changed since the last time. No correspondence from the owner, no schedule, no excuses, nothing. As you mentioned I did an inspection today and nothing has approved since the last meeting, so I updated my report basically the same report from the last time. I just put a little more detail on the latest inspection. I did dig out the report that he mention when he last appeared which is nineteen years old and the recommendations in that report have never been completed and that is referenced in the report. My recommendation continues as the same as it was that I believe the building should be removed and I don't believe there will be any repairs made to it and I don't want to see it languish there boarded up, unoccupied and so close to the neighbor. It is a hazard if something happens there, so I believe the Board should move forward on accepting my report and recommendation and moving forward with the demolition.

Mayor asked is there anyone here representing 2 Maple Avenue?

NO REPSONSE

MOTION was made by Trustee Chichester to go into Executive Session with the Attorney and Building Inspector before going any further.

SECOND was made by Trustee Farrell

Mayor continued as part of the record we have the report of the Andersen Design Group date May 8, 2018. It is their Visual Inspection Report of 2 Maple Avenue 103-2-3 which is 6 pages long. We also have from the Village of Harriman Building Department Unsafe Building Report Update dated June 12, 2018. It includes his latest assessment of the building, Affidavit of Posting, Hearing Notice which was sent to the property owner, Notice of Violation in Order of Remedy May 22, 2018 which was sent to the owner, the second Hearing Notice of June 12, 2018 which was sent to the owner and again listing all the deficiencies that were observed by the Building Inspector. At this time if there are no other comments from the Board or no representative or the owner we will take a motion to close the Public Hearing on 2 Maple Avenue.

MOTION was made by Trustee Daly to close the Public Hearing on 2 Maple Avenue.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

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Mayor continued the Board has to determine whether they are going to accept or not accept the Building Inspectors recommendation regarding 2 Maple Avenue.

MOTION was made by Trustee Chichester to accept the Building Inspectors Unsafe Building Report dated June 12, 2018.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

Mayor stated the Building Inspectors Recommendation has been accepted by the Board a written determination will be served on the owner at our earliest convenience.

BUDGET TRANSFERS

Mayor stated we have a revised Budget Transfer Request from the Village Treasurer dated June 8, 2018.

MOTION was made by Trustee Daly to approve the Budget Transfers in the June 8 Request.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

PARK REQUESTS

Lane – July 4, 2018

MOTION was made by Trustee Farrell to approve the Park Request.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

Miranda – July 15, 2018

MOTION was made by Trustee Farrell to approve the Park Request.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

WATER ACCOUNTS REQUESTS

Account 685 – Penalty Waiver

NO MOTION

Account 683 – Penalty Waiver

MOTION was made by Trustee Farrell to approve the one-time penalty waivers on account 683.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

MR. NIEMOTKO REQUEST

Mayor stated it is my understanding that as long as the proposal before the Planning Board does not substantially change that they can continue under the existing Zoning that they will not be bound by the new Zoning as we are several months away from adoption.

Attorney Darwin responded I am not sure that it is going to be a grandfathered of matters that are pending that that wouldn't be part of the Local Law that the Board is going to ultimately vote on.

Mayor stated we would adopt it as grandfathering in as part of.

Attorney Darwin responded as part of the Local Law adopting of changes to the Zoning Code.

Mayor stated a couple of the Board member believe since it is substantially underway that he shouldn't be ¾ of a way through a project and have to change because of a Zoning Change.

Attorney Darwin replied I don't know if that is the result as a matter of law existing now. I don't know whether that would have to be a part of the Local Law that this Board is going to adopt. I can look into it. If I find that it does not have to be a part of the Local Law, then this Board can take it up at the July meeting and not have to wait until the August meeting or beyond. That would be my recommendation for now.

Mayor asked do you understand Mr. Niemotko where we are with this? The attorney will have to look into this to see exactly how we should handle it.

Mr. Niemotko responded and if I heard correctly it will be by the July Planning Board meeting.

Attorney Darwin replied I will get back to Village Board as to whether or not the grandfather clause would have to be a part of the Local Law that the Board is considering and be dealt with separately and not have to wait and be carried along with the rest of the Zoning Code changes. It is possible that the Board can act on that request at the July meeting then have to wait to the August meeting or perhaps the September meeting or whenever on the Zoning Code Amendments.

Mr. Niemotko responded it is reasonable. Thank you.

ATTORNEY REPORT

Mayor asked anything more on the Verizon Wireless Contract?

Attorney Darwin replied nothing. I haven't heard anything. I thought we were very close. I didn't think we were very far apart.

Mayor responded they must feel they are very close because they came out for a site visit.

Attorney Darwin replied that is good to know.

Mayor asked anything additional with the Woodbury Water District?

Attorney Darwin replied I haven't heard anything. I thought Joe McKay was getting some push back from the Town and it wasn't ready to go to the next step. I haven't sent anything because I thought he was still dealing with that issue with the Board.

Mayor stated I will find out and get back to you.

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Mayor stated we have several conversations/meetings regarding Exit 131 project. Not happy as to where we are with it in terms of the total lack of cooperation. I believe there are a few things will need to discuss in Executive Session regarding it. We are attempting to get what is right for the Village with this project.

Attorney Darwin commented as far as the New Government Center is concerned the Andersen Design Group sent me two additional RFP's. One for the asbestos monitoring and one for the Special Inspections, so I am going through those now.

Mayor asked was there any determination made regarding the bid opening, is it going to be able to move forward Monday?

Attorney Darwin replied no. It is going to be pushed out. There is going to have to be at least one move addendum. There were questions that were submitted. I met with them today and we went over those questions. Those questions are going to have to be answered and some changes will be made to the contract documents that go out with the addendum and that is going to push out the bid opening date and also push out the substantial completion date and the final completion date. Probably to April or perhaps May. When is this lease up?

Mayor replied February.

Attorney Darwin continued so that is where we are at. There are some other contact issues that we are discussing.

PUBLIC COMMENT

Mr. Kelly – Harriman Farms – Oxford Lane – on the Bailey Farms Road that just opened. We have Melody Lane coming in to there and when you are coming off Melody Lane you can't see the car coming up the hill. They are not coming up slow they are coming up fast and with the over growth even when you come out there you are just looking for trouble. There is no STOP sign on that at all, but when you try to come out of Melody Lane and come on down Bailey Road if there is a car coming up pretty fast and they don't have to slow down they can go the full 25 30 miles an hour up that hill, but when you are creeping out you can't see because of the bushes they are really blocking that.

Mr. Mulligan replied we had trimmed them back last Fall.

Mayor responded will you go to take a look at it, too verify.

Mr. Mulligan replied absolutely.

Mayor stated the issue with putting a STOP sign coming up Bailey Farm Road from River Road is that the trucks would all have to stop and then get started again and those houses right there that back up to Bailey Farm Road there would be an awful lot of noise and truck pollution every time they would have to restart going up there.

Mr. Kelly replied if you cut back all of that you can at least see coming up the hill and that would be a big help. I realize trucks can't stop because we know we have people complaining about that already with just the noise from the trucks.

Mr. Medina asked tonight you approved an appraisal for appraisal services and I'm curious, can I ask what is the property being considered?

Mayor replied you can ask, but we are not able to divulge the property.

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MOTION was made by Trustee Chichester to Enter into Executive Session for a litigation item and a couple of Attorney Client Privileges.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

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 Deputy Mayor Farrell to adjourn Executive Session and return to Regular Meeting.

SECOND was made by Trustee Daly

ALL IN FAVOR

MOTION was made by Trustee Daly to approve removing contents from old fire house placing in a dumpster for removal to a landfill. All costs associated with this will be billed to HECO#1.

SECOND was made by Trustee Chichester

ALL IN FAVOR

MOTION was made by Trustee Chichester to authorize Tom Cusack to locate and have a test well drilled in an effort to obtain an additional water source. Depending on the type of rock encountered the cost will be between \$20,000 and \$30,000. This will be paid for from F8320.413 Well/Redevelopment.

SECOND was made by Trustee Daly

ALL IN FAVOR

MOTION was made by Deputy Mayor Farrell to adjourn Regular meeting at 9:30pm.

SECOND was made by Trustee Daly

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk