

**VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
June 24, 2014**

7:00 P.M. – REGULAR MEETING

ROLL CALL:

Mayor Stephen Welle, Deputy Mayor Ed Shuart, Jr., Trustee G. Bruce Chichester, Trustee Lawrence Mosca, Trustee Sacher, Village Treasurer Marie Coimbra, Attorney Ben Ostrer.

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 6/10/2014 Village Board Meeting. There being none, the minutes were accepted as written.

MOTION was made by Trustee Shuart to accept the 6/10/2014 minutes.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

INFORMATIONAL ITEMS:

- Upcoming meeting dates:
 - Zoning Board of Appeals Meeting – July 2, 2014
 - Village Board Meeting – July 8, 2014
 - Planning Board Meeting – July 21, 2014
- There is only one Village Board meeting for the month of July and August.
- Garbage collection on the Woodbury side schedule for Friday, July 4, 2014 will be picked up on Saturday, July 5, 2014. On the Monroe side of the Village there will be no change on that week.
- Orange & Rockland has notified us that Nelson Tree Service will be trimming trees in the Village starting around July 16, 2014 continuing for approximately three weeks. They will be on Melody Lane, Brookside Drive West, Oxford Road, River Road and Route 17.
- Orange County Department of Health will be larviciding catch basins around the second week of July in an effort to do away with the mosquitos population.
- The Mayor attended a meeting with the Orange County Citizens Foundation and other Villages regarding the issues and challenges that are unique to Villages. They are looking to meet a few times a year so we can discuss unique problems that other municipalities do not face.
- Centennial planning is ongoing, it will be on October 11, 2014 in the Mary Harriman Park.
- Meet the other morning with Village Attorney Ben Ostrer and representatives of Ceasers, regarding a memorandum of understanding. The board will have an opportunity to discuss this with the attorney later this evening.
- Mayor stated that we have a plaque for John Karl as he is retiring, unfortunately he was unable to be here tonight, but I will make sure to present him with the plaque.

EAGLE SCOUT PROJECT PROPOSAL:

Mayor Welle stated we received a letter of request from Charles W. Crover Jr. regarding a proposed Eagle Scout Project. Charles W. Crover Jr. stands up and addresses the board. Charles states that he is here for approval for his service project for his Eagle Scout Rank, based on my conversation with John Karl, VFW and the American Legion. Charles hands out to the board plans of his project. Charles

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
JUNE 24, 2014
Page 2

EAGLE SCOUT PROJECT PROPOSAL(CONTINUED):

explains his plan is to replant two weeping cherry trees where the three trees are already. They are going to remove the existing three trees that are there now. I am going to re-space and plant two weeping cherry trees. I am also going to take off the screening in the back that is dying off and plant 13 to 14 giant Thusa, 4 to 5 feet apart to replace the existing screening. We are looking at getting 3 to 4 foot Giant Thusa, because that is what he has in stock. If I can raise enough money and they are available I am going to try to get 5 to 6 foot Giant Thusa. Mayor Welle asks if the VFW and the American Legion have given you permission to do the project, it is a Village Park but it is for the Veterans. Charles replies yes. Trustee Sacher asks have you already been to them? Charles states that he has an approval letter from the VFW. Mayor Welle states that we would like to have a copy of that letter for the files. Charles W. Crover, Sr. states that the VFW has nothing to do with the monument that is the Legions, and they will not take part in that part of the project. Charles, Jr. states that the second part of the project will be at the VFW, I want to repair the horse shoe pits covers. I want to put posts up so no one parks on the horse shoe pits, repair the parking lot drainage and take out the utility pole and slope the land where the utility pole was to reduce tripping hazard. Charles Sr. states that the legion commander agreed with what was discussed with John Karl and Charles Jr. have discussed with you, he is meeting with the rest of the membership of the Legion Thursday morning, but he wanted to make sure he had your approval, since it is Village property before he went further with them. Trustee Sacher asks what does John Karl have to do with this? This is an Eagle Scout Project, will our employees be doing something? Charles, Jr. states that John Karl was the one who approach him about the project and was going to help take out the trees that were already there. Trustee Sacher asks is he helping take them out on his own time or village time. Mayor Welle states that the village employees will be taking them out. Charles Sr. states that word got around that Charles Jr. would be working on a service project for the VFW and I guess the word got to John Karl. The winter killed the trees and the DPW was going to replant trees anyway, I guess to save the Village money he thought it would be great for him to take it on as a service project. Mayor Welle stated that the Village will have to pull the stumps that are existing. Trustee Sacher asks is that what our part is, pulling the stumps? Charles Sr. states that the Scouts are not allowed to run heavy equipment. The Mayor states that we will also be taking the existing screening down. Discussion on the different types of trees and what is the best trees to avoid the deer from destroying. Giant Thusa would be the best to avoid deer and they will grow the tallest and widest the fastest, if the conditions are right. Discussion on the different sizes of Giant Thusa. Trustee Sacher asks what time of the year would you be doing the planting? Charles Sr. states that the employees would be watering the plants and we want to make sure that is going to happen. Mayor Welle states that it has been the custom of the Village to have kept the square watered all summer long. Charles Sr. states that it is the recommendation that it is done in September to do the planting but we could do it earlier to ensure that it gets watered every day. The earliest we could do it would be August by the time he gets his approvals. Mayor Welle states that we will need and insurance certificate from the boy scouts name the Village as an additional insured.

MOTION was made by Trustee Shuart to approve the Eagle Scout Project as outlined.
SECOND was made by Trustee Chichester.

Charles, Jr. states that he will need a letter of approval to bring to the Boy Scout Counsel. The Mayor states that he will get him a letter of approval. Charles Sr. states that he would like to offer that if it is

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
June 24, 2014
Page 3

EAGLE SCOUT PROJECT PROPOSAL(CONTINUED):

possible and the board would considered it he might be able to get an irrigation system donated. Would the Village employees be able to install it? They received a price of \$1,200 to install. It would be a manual on/off but you would have sprinkler heads there so you would not have to put hoses out? Would you be interested if I can get it? The Mayor states that yes, it would enhance it. Trustee Chichester asks Ben if we had left over money from the Centennial could we use that. Attorney Ostrer states, no. Trustee Mosca asks what about the Parkland account? Attorney states yes. Mayor Welle and Charles Sr. think that it is something the Village employees can do.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

Mayor Welle tells Charles Jr. that he will get him a copy of the letter and as you are progressing just keep us updated. The board thanked Charles Jr and wished him good luck.

WATER ACCOUNT -3005:

Mayor Welle stated we received a letter from water account 3005 requesting that there penalty be removed. The last 10 quarters the bill has been paid on time.

MOTION was made by Trustee Chichester to waive the penalty as per the letter.
SECOND was made by Trustee Shuart .

Trustee Sacher asks is there any way we make a note in the computer, that this is a one-time deal?
Mayor Welle states that we will do that so that it is noted for the future.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

EMPLOYEE HANDBOOK REVISION – SECTION 504 & 704:

Mayor Welle states that regarding section 504 & 704 in the employee handbook, in regard to the payroll period that the Village board is changing effective September 1, 2014. We need to have HR Consultants look at the book to put in the proper wording in for that and to go in and remove the appropriate DPW section in handbook since they are now covered by the a labor agreement. We need authorization for HR Consultants to draft the revisions and present them to the board for adoption.

MOTION was made by Trustee Chichester as outlined by the Mayor.
SECOND was made by Trustee Shuart .

Trustee Mosca asks if the employees are aware of this? Mayor Welle states they were notified two weeks ago.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
June 24, 2014
Page 4

APPOINTMENT SUBREGISTRAR OF VITAL STATISTICS

Mayor Welle states that we will need to appoint Jane Leake as sub registrar because at this time we only have the Deputy Registrar and if she is out, we will run into a problem with death and birth certificates.

MOTION was made by Trustee Shuart.

SECOND was made by Trustee Chichester.

Trustee Mosca wants to know is this permanent or is it temporary if Kelly comes back? The Mayor states that we would address it if Kelly comes back, but for now it is indefinite.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

BUDGET TRANSFERS:

Mayor Welle stated we received a request from the Village Treasurer in a memo dated June 20, 2014, regarding the new Water Tank.

MOTION was made by Trustee Shuart to approve the budget transfers as outlined in the memo from the Treasurer, dated June 20, 2014.

SECOND was made by Trustee Mosca.

Trustee Mosca thanks the Treasurer for the explanation. The Mayor states he would like to note that we are holding off on paying this until we get further information from John Lanc, we are still missing one certified payrolls from the contractors. We are transferring the money but will not pay until we get all completed paperwork.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

PLANNING BOARD APPOINTMENT:

Mayor Welle stated we received a letter of interest from Jennifer Carillo to become an alternate on the Village Planning Board. I spoke to Chairman Danzeisen about it and he is in favor of it. I would recommend that we appoint Jennifer Carillo as an alternate for the Village of Harriman Planning Board with a term ending March of 2017.

MOTION was made by Trustee Mosca to appoint Jennifer Carillo as an alternate to the Planning Board.

SECOND was made by Trustee Chichester .

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
JUNE 24, 2014
Page 5

ATTORNEY REPORT:

We have an action item regarding the memo of understanding on proposed casino hotel to be located in the Village of Woodbury. Attorney Ostrer discusses the issues of concern, they original proposed two separate memorandums because of the prior water agreements they want to alter duties of responsibilities set forth in those agreements. What we have here is a letter of intent; it is not an enforceable contract. The letter states that we could provide them with water and as issues are identify under seeker they will be approximately addressed. Trustee Sacher asks what happens if this goes on for a while and we don't have the water to supply for them? Attorney Ostrer states this is not a will serve letter, we have an old agreement that is supposed to be serving the site; they are supposed to replace capacity for us. Attorney Ostrer states because they are in our serve area we are obligated to provide them with services, but if they are a more intense user then anticipated they have to supply us with additional sources for the water. Provided that we have adequate supply it will be a benefit to our in village customers. The Mayor states that there was an agreement with ICC and everybody else in 1987 and 1989 and revised again in 1998 and they are obligated to provide additional water to the village and make a contribution to a future water tank, which almost finished. Mayor Welle states regarding the resolution attached to the memorandum of understanding, what is your recommendation Attorney Ostrer? Mayor Welle states just so the board is aware I did contact Ceasars that they would post money with the village for an escrow account so that they would paying for our consultants and we did receive it today. Attorney Ostrer states that he recommends that the resolution that authorizes the Mayor to execute the memorandum of understanding be adopted. Trustee Shuart asks if it doesn't mean anything why are we doing it? Attorney Ostrer states that it is necessary under the criteria that the state has set forth for the entities that are competing for casino license; they need to show at what stage they are in the process. Clearly the people who are reviewing know that a memo of understanding is not an approval. It clearly states that we will agree later with them about the finer points of the water. Trustee Shuart asks well how much excess is there? Attorney Ostrer states we know from the supply analysis that was done, that we have adequate supply for the village that we are serving and additional customers. Trustee Shuart asks why does it say if we need additional water we will get it from the Village of Woodbury? Attorney Ostrer states we don't care where they get their water from, they could dig wells. The Mayor states that there was 4 wells identify going back, between that property and site C and they haven't been look at in many years so they need to be look at to see if quantity and quality is there. They know that they are going to have to provide water to the Village according to the contract of 1987. Trustee Mosca asks how much water do they have to supply? The Mayor states I believe it is 1.4 times their usage. Attorney Ostrer also states that this agreement is that they pay all cost for the sources; it is their burden, not ours. Mayor Welle states that another benefit for the village is that in order to get water to the site we can get some of the old infrastructure replaced. Trustee Chichester asks does this memo of understanding obligated them to study the things expressed here to the degree of the SEQRA. Attorney Ostrer says a lot of things could change, the board members, the amount water, etc. this just says we are willing to talk.

MOTION was made by Trustee Chichester to adopt resolution number 9, dated June 24, 2014.

SECOND was made by Trustee Mosca .

Trustee Shuart asks about the section were it talks about using water from the Orange County Sewer District? Attorney Ostrer states they are going to explore that for pooling. Attorney Ostrer than explains how some places use water from sewer plants and the various things they use it for. Attorney Ostrer states that if we would agree to do that there would be plumbing for that, run through our streets. Trustee Shuart asks if the Mayor signs this, none of this enforceable. Attorney Oster states that only that you

**VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
JUNE 24, 2014
Page 6**

ATTORNEY REPORT(CONTINUED):

agreed to talk to them. Trustee Sacher states only agreeing to talk. She states that it does not state where this will all be coming out to. Attorney Ostrer states they will expand the sewer plant or build something on site. They are a long way from finishing the plans. We are an involved agency, not an interested one.

AYE: Trustee Chichester
Trustee Mosca
Trustee Sacher

NAY: -0-

ABSTAIN: Trustee Shuart

Local Law on Planning Board and Zoning Board Fees - I am going to make a memorandum on it and speak to Kevin Dowd and Joe McKay.

Superior Packing forwarded a maintenance agreement; it should be a three party agreement including the property owner. The property at the moment is reluctant to sign the agreement. This agreement will run with the land so it has to be signed by the property owner. Richard Mann was offering up this agreement only signed by the tenant and that is not acceptable. Trustee Mosca asks Attorney Ostrer to refresh his memory of what the agreement is for? Attorney Ostrer states that the property is partially in the Town of Monroe and partially in the Village of Harriman and they received approval from the Town of Monroe to use the building for their candy repacking. There was an amending site plan approval granted by the planning board and they have to submit a sand filter maintenance agreement for the storm water management system to be installed on the site. It is part of the property so the tenant can maintain it for as long as they are there but then we will have the same sand filter bed, if new tenant come in and property owner is not obliged than it is not something that runs with the land and we have storm water not properly treated. It needs to be maintained and we want the property owner to stand behind it. The property owner point of view is they need this because of their trash compactor or other modification to the site and the property owner doesn't care. One alternate is that Superior Pack could post a Bond to remove everything, if that satisfactory but only our engineer could approve that.

Mayor Welle states that there are a couple of issues that I will need you for in Executive Session.

PUBLIC COMMENT:

None

MOTION was made by Trustee Shuart to enter into Executive Session for litigation issue and attorney client privilege.

SECOND was made by Trustee Mosca.

ALL IN FAVOR.

At this time the Village Treasurer was excused from the meeting. The following was given by Mayor Welle:

MOTION was made by Trustee Shuart to adjourn Executive Session and return to the regular meeting.

SECOND was made by Trustee Chichester.

ALL IN FAVOR

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
JUNE 20, 2014
Page 7

MOTION was made by Trustee Chichester to name Jurgen Breitfeld temporary DPW Supt. and increase his salary by \$100 per week while he serves in this capacity.

SECOND was made by Trustee Moca.

ALL IN FAVOR

A **MOTION** was made by Trustee Shuart and **SECONDED** by Trustee Chichester to adjourn the meeting at 8:35 pm.

ALL IN FAVOR.

Respectfully submitted by _____

Marie Coimbra, Village Treasurer