

**VILLAGE OF HARRIMAN, NEW YORK  
VILLAGE BOARD MEETING  
June 25, 2013**

**7:00 P.M. – PUBLIC HEARING LOCAL LAW #5 OF 2013 VIDEO PRODUCTION  
REGULAR MEETING – TO START AFTER PUBLIC HEARING**

**PUBLIC HEARING – PROPOSED LOCAL LAW #5 of 2013 – VIDEO PRODUCTION**

Mayor Welle read the Public Notice,

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law amending the Village Code to include a section addressing video production in the Village at Harriman at the Village Hall, 1 Church Street, Harriman, New York on June 25, 2013 at 7:00 p.m. or as soon thereafter as the matter may be heard.

If adopted, this local law will provide a set of guidelines and standards for filming in the Village of Harriman.

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.

BY ORDER OF THE VILLAGE BOARD

VILLAGE OF HARRIMAN

KELLY KEARNEY, VILLAGE CLERK

Dated: June 4, 2013

The Mayor asked Village Clerk Kelly Kearney if we received anything in writing regarding this Public Hearing and she stated No we have not. The Mayor then opened up the Public Hearing to the public:

Mike Hagopian – 160 Rte. 17M

Mr. Hagopian asked what the purpose of this Local Law is.

Mayor Welle stated with the State of New York pushing the film industry and several local communities being hit with absorbent amounts in overtime hours for the Police to direct traffic and to monitor this.

This is way to put the cost back to whoever would want to come in and film in the Village so that the taxpayers would not have to pay for the amount of money it could cost for something like this.

Mr. Hagopian stated so this is not going to affect the private sector as to a business taking pictures.

Mayor Welle stated if you want to go film a commercial in your parking lot that is not what this is about.

This is about you wanting to film a movie in your parking lot and disturb traffic that is a different story.

It is solely intended for a commercial movie venture, and it is to protect the cost going to the taxpayers.

Mr. Hagopian stated he did not understand what this Local Law would be in regards too. Mayor Welle

stated if someone wants to film something in their backyard, commercial with a business that is not what

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**Public Comment continued from Public Hearing -**

this is about. Mr. Hagopian stated that makes sense if there are costs that we can pass them on so that the taxpayers do not have to pay them. Mayor Welle stated that the Village is just looking to protect all of us from someone making a movie and costing us money. Trustee Sacher stated that most of the time when these companies come in the land up closing all the roads and merchants loss money, this gives us a way to protect these people. Trustee Chichester stated you know how the State can be when trying to get help.

There were no other comments from the public

**MOTION** was made by Trustee Shuart to close the Public Hearing at 7:04 PM and enter into the Village Board meeting

**SECOND** was made by Trustee Chichester  
**ALL IN FAVOR.**

**VILLAGE BOARD MEETING –**

**ROLL CALL:**

Mayor Stephen Welle, Deputy Mayor Edward Shuart Jr., Trustee G. Bruce Chichester, Trustee Lawrence Mosca, Trustee Christine Sacher, Village Clerk Kelly Kearney, and Village Attorney Marissa Tuohy of Ostrer & Hoovler

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 the June 11, 2013 Board Meeting. There being none, the minutes were accepted as written. Mayor Welle thanked the Village Treasurer.

**INFORMATIONAL ITEMS:**

- Upcoming meeting dates:
  - Zoning Board of Appeals Meeting – July 3, 2013
  - Village Board Meeting – July 9, 2013
  - Planning Board Meeting – July 15, 2013Mayor Welle reminded everyone that the Village Board only has one meeting in July and August
- Mayor Welle stated that the Planning Board and Zoning Board of Appeals still have openings. Anyone interested should submit a letter of intent to the Village Clerk.
- Mayor Welle stated the Refuse pick up in the Town of Monroe Harriman portion next week Thursday July 4<sup>th</sup> there will be no trash pick up the trash will be picked up on July 5. The Monday Trash pickup and the Wednesday Recyclables are as normal.
- Mayor Welle stated that the Annual Independence Day Fireworks scheduled in the Village of Monroe is set for July 4 with a rain date of July 5. There will be a Street Fair prior to the fireworks.

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**INFORMATIONAL ITEMS: (Cont'd) –**

- Mayor Welle stated that this Thursday June 27, 2013 at 7:30 PM in the Woodbury Senior Center there will be an informational meeting regarding the KJ Pipeline. This ties in with the lawsuit the Village of Harriman has entered into with the Village and Town of Woodbury, although the pipeline does not come through the Village of Harriman, unfortunately the wastewater treatment plant is here. And any additional water going into KJ will increase the amount of waste coming out and that is a concern with the wastewater treatment plant right here.
- Mayor Welle stated Grove Street is scheduled for a surfacing on Friday June 28, 2013 with a rain date of July 1, 2013. They say it is going to work we will see what happens.

**STREET LIGHT UPGRADE –**

Mayor Welle stated that the 2 poles here on Kearney Ave and James St., which should be the last of the ones here in the Village streets needing upgrading. The increase to the Village will be \$30.48 per year plus random adjustments that are on all our O & R bills

**MOTION** was made by Trustee Chichester to approve these two poles being upgraded as outlined by the Mayor.

**SECOND** was made by Trustee Mosca.

**AYE:** Trustee Mosca  
Trustee Sacher  
Trustee Chichester

**NAY:** -0-

**Trustee Shuart abstained**

**VIDEO PRODUCTION LAW – LOCAL LAW # 5 OF 2013**

Mayor Welle stated we had a Public Hearing this evening; we had a couple of verbal comments, no written comments.

**MOTION** was made by Trustee Chichester to approve the Local Law #5 of 2013 Video Production

**SECOND** was made by Trustee Shuart.

**AYE:** Trustee Chichester  
Trustee Mosca  
Trustee Sacher  
Trustee Shuart

**NAY:** -0-

**REQUEST DEPUTY CLERK – TRAINING**

Mayor Welle stated the deputy Clerk has requested to attend the KVS Summer Training school & Conference July 22, 23 and 24, 2013. This is regarding the computer software that we have and use for our water billing. Jane Leake has not had any formal training classes with KVS and this is a hands on class. The dollar figures are a total cost of \$925.00 - \$450.00 for the room and \$475.00 for the Workshop/Seminar. This has been budgeted for this year.

**MOTION** was made by Trustee Shuart to approve the request as outlined by the Mayor.

**SECOND** was made by Trustee Chichester.

**AYE:** Trustee Shuart  
Trustee Sacher  
Trustee Chichester  
Trustee Mosca

**NAY:** -0-

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**PARK REQUEST – Mary Grace Buyea:** Mayor Welle stated that Mrs. Buyea is requesting use of the pavilion at Mary Harriman Park on August 10, 2013 from 1:00pm to 6:00pm for a family party.

**MOTION** was made by Trustee Chichester to approve the use of the park as outlined by the Mayor.

**SECOND** was made by Trustee Shuart.

**AYE:** Trustee Shuart  
Trustee Sacher  
Trustee Chichester  
Trustee Mosca

**NAY:** -0-

**ATTORNEY REPORT:**

- **Hampton Inn** – Mayor Welle stated we did receive the Hampton Inn Resolution, we approved it at the last meeting and it can be sent in and we can now settle that lawsuit.
- **Water Easements** – Marissa stated I have been in contact with one property owner, they are willing to grant us permission they were a little confused at first as to what property, they were thinking an apartment building and that it was an inactive water pipe but after speaking with Mayor Welle and finding out it is indeed active it is all okay and I will be in contact with their attorney.
- **Notice we received from Town of Monroe regarding the Annexation** – Marissa stated she spoke with Ben regarding this and we are going to file a Stipulation of Discontinuing the lawsuit since they were the ones who started the lawsuit and then do an Order to Abort. We do not have to do a Resolution. Mayor Welle stated it was stated by the Town Supervisor at a Town Meeting that the Village of Harriman was in agreement with them. Marissa stated last I heard they served us and we responded back in November. Mayor Welle stated that is correct and where this came from he does not know. Marissa also stated they should have contacted either Ben or me since we answered the summons.
- **Uniform Notice of Claim Act** - Marissa stated we have to do this it is mandatory. Marissa stated the Village has to decide who they want to appoint as the person to be served. It is usually the Mayor or the Village Clerk. If someone wants to do a Notice of Claim against the Village they can do it through the Secretary of State now. This is so the Secretary of State knows who to serve after the person would serve The Secretary of State. The Secretary of State would then serve us and this is usually done through certified mail.

**MOTION** was made by Trustee Shuart to adopt the Uniform Notice of Claim Act designating the Village Clerk as the party to be served on behalf of the Village of Harriman.

**SECOND** was made by Trustee Mosca.

**AYE:** Trustee Chichester  
Trustee Mosca  
Trustee Sacher  
Trustee Shuart

**NAY:** -0-

- **Storage Unit - an Arbitration Provision** – Marissa stated Ben informed her that arbitration is terrible and to opt out. Mayor Welle stated this is an agreement between the Village and the owners of the storage unit. Mayor Welle stated that we need to sign this agreement opting out of the Arbitration Agreement.

**MOTION** was made by Trustee Chichester to authorize the Mayor to sign the Arbitration Agreement between the Village of Harriman and Extra Space Storage.

**SECOND** was made by Trustee Mosca

**AYE:** Trustee Chichester  
Trustee Mosca  
Trustee Sacher  
Trustee Shuart

**NAY:** -0-

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**ATTORNEY REPORT: (Cont'd)**

**Resolution to Remove Health Hazards from Properties** - Mayor Welle stated this is in regards to the properties with the over grown grass that we have not been able to get in touch with the owners of or they have not responded. It seems the banks are not putting the properties into their names so it makes it almost impossible to get someone to take care of these properties. This is not just a problem for Harriman it is a problem for all municipalities. It seems to cost anywhere between \$300 to \$400 to take care of these properties and FEMA has guidelines that you can go by that come up with the cost for manpower hours loaded rates, they include everything into this. FEMA has it down to a science and everything goes into that dollar amount. FEMA also has rates for the equipment as well. If our people are going to be doing the work then the Village should be reimbursed for it and then it will be releyved onto their taxes. As of this date we have three properties so if any more come along we will have to revise the Resolution to include those properties as well in a Public Meeting. So those new properties would just be added to the Resolution as needed and the properties can have the work done and just be added at the next meeting that the property has been added to the list.

**MOTION** was made by Trustee Chichester to adopt this Resolution to Remove Health Hazards from Properties.

**SECOND** was made by Trustee Shuart.

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

**Request from DPW Supt John Karl – Security Deposit for Street Opening** - Mayor Welle stated that the DPW Supt requested we reimburse the security deposit for 57 Oxford Lane for a street opening permit. They posted a security deposit and paid for their permit. The property owner did some damage and it was agreed that \$50.00 would be held from the deposit to cover the cost of it being repaired which the DPW has already corrected the problem. We just need authorization to give back the \$200.00 of the \$250.00 security deposit.

**MOTION** was made by Trustee Shuart to authorize the return of the security deposit in the amount of \$200.00.

**SECOND** was made by Trustee Mosca

Trustee Mosca asked if the \$50.00 covered the cost of the repair. Mayor Welle stated that was the number the DPW Supt came up with and it was agreed upon with the homeowner.

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

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**PUBLIC COMMENT:**

Mike Hagopian – 160 Rte. 17M

Mr. Hagopian asked the property on South Main St., that you are getting all these bids on, what was the cost of that property and where did the money come from? Mayor Welle stated the cost of the property was \$45,000., and the money came from the Un-appropriated Funds Balance. Mr. Hagopian asked what the Village is going to do with the property. Mayor Welle stated the Village Board decided to purchase it for future Village uses, potential Village Hall etc. We looked at the property and looked at it as a once in a lifetime opportunity. This property butts up to the property the Village already owns. The property is surrounded by Village property. The structure on the property is not worth saving. The property was appraised and we contact with the Assessor in the Town of Monroe to see what parcels like this would appraise for in the Town of Monroe Village of Harriman. The Board decided that at \$45,000 that was a good price that was the reason for the purchase. Mr. Hagopian stated so you intention is just knock down the property. Mayor Welle stated currently as soon as any asbestos remediation is done, we will then go out to have the house and the barn removed, it will then be graded off and seeded for the time being. Mr. Hagopian stated he was just curious because he heard the bids coming in and wasn't sure what it was for. Mayor Welle stated it was announced here at a public meeting that it was purchased and where the money came from. Mr. Hagopian stated I must have missed that meeting. Mayor Welle stated maybe you did.

There were no other comments from the public

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

**SECOND** was made by Trustee Chichester

**ALL IN FAVOR.**

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

Executive Session was held with Village Attorney Marissa Tuohy Esq.

**MOTION** was made by Trustee Chichester to end Executive Session and return to the regular meeting.

**SECOND** was made by Trustee Shuart.

**ALL IN FAVOR**

**MOTION** was made by Trustee Chichester to adopt change to Section 806 of the Employee Handbook Medical Insurance to add the following:

**Premium Payment (Part-Time Employees)** – A part-time employee who chooses to participate in the medical insurance plan offered by the Village must pay the full cost of the premium.

**SECOND** by Trustee Shuart.

**AYE:** Trustee Chichester

Trustee Mosca

Trustee Sacher

Trustee Shuart

**NAY:** -0-

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**MOTION** was made by Trustee Chichester to authorize the Mayor to send a letter (attached) to the Town of Monroe Re: Annexation Petitions.

**SECOND** by Trustee Mosca.

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

**MOTION** was made by Trustee Shuart to approve the Planning Board Attorney (Kevin Dowd) and the ZBA Attorney (Joseph McKay) to conduct training sessions which will count toward the Board Members mandatory training.

**SECOND** by Trustee Chichester.

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

A **MOTION** was made by Trustee Sacher and **SECONDED** by Trustee Shuart to adjourn the meeting at 8:24pm.

**ALL IN FAVOR.**

Respectfully submitted by \_\_\_\_\_  
Kelly Kearney, Village Clerk