

**VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
May 14, 2013**

7:00 P.M. – AUDIT OF MONTHLY BILLS

7:30 P.M. – REGULAR MEETING

ROLL CALL:

Mayor Stephen Welle, Deputy Mayor Edward Shuart Jr., Trustee G. Bruce Chichester, Trustee Lawrence Mosca, Trustee Christine Sacher, Police Chief Raymond Culver, Building Inspector Ronald Walker, DPW Superintendent John Karl, 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 April 23, 2013 Board Meeting. There being none, the minutes were accepted as written.

INFORMATIONAL ITEMS:

- Upcoming meeting dates:
 - Planning Board Meeting – May 20, 2013
 - Village Board Meeting – May 28, 2013
 - Zoning Board of Appeals Meeting – June 5, 2013
- Bills were audited:
 - \$72,332.44 General Fund
 - \$97,432.88 Water Fund
- Mayor Welle stated that the Election held on October 30, 2012 for Village Referendum regarding LOSAP Mayor read from a form from the Village Clerk: Unopened, shrink wrapped, packages of unused ballots intended for the Harriman Village Referendum LOSAP have been destroyed by shredding. Below is the inventory of all destroyed, unopened packages of unused ballots:
Election held on 10/30/12 at Village Hall Noon to 9 PM Ballot # 51 to # 200 Total number of packages destroyed 3 Date Destroyed 5-15-13
- Mayor Welle stated that on the table in the back of Village Hall there is the 2013 Orange County Farmers Market Schedule put out by Orange County Tourism.
- 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 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.
- Mayor Welle stated that on Wednesday, June 5, 2013 from 11 AM to Noon, Richard Mayfield from the Orange County Community Development Program will be here in Village Hall to answer questions regarding the Housing Rehabilitation Development Program for our seniors.

DEPARTMENT REPORTS:

DPW – see attached report. Water Bills went out May 1, 2013, in the amount of \$244,091.98.

Police Department – see attached report. Police received \$30.00 in funds

Building Department – see attached report.

\$ 1140.00	Building Permits
\$ 25.00	Certificates of Compliance
\$ 75.00	CO Commercial
\$ 700.00	Municipals

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PARK REQUEST – Darrel & Roxanne Lexandra: Mayor Welle stated that Darrel & Roxanne Lexandra are requesting use of the pavilion at Mary Harriman Park on May 19, 2013 from 11:30pm to 4:30pm for a picnic.

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

SECOND was made by Trustee Chichester.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

PARK REQUEST – Mulligan Eden Post 1573: Mayor Welle stated that the American Legion is requesting use of the pavilion at Mary Harriman Park on May 27, 2013 for their annual picnic following the Memorial Day Activities.

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-

PARK REQUEST – Dig Safely New York: Mayor Welle stated that Dig Safely New York is requesting use of the pavilion at Mary Harriman Park on August 9, 2013 from 10 AM to 2PM for a seminar.

MOTION was made by Trustee Shuart to approve the use of the park as outlined by the Mayor with the Certificate of Insurance provided to us.

SECOND was made by Trustee Mosca.

A question was asked by Trustee Chichester- Do we know how many people? Mayor Welle asked DPW Supt John Karl, do you know roughly about how many people? DPW Supt. John Karl stated about 100 to 125 people. Mayor Welle asked is that about the same amount the HVWW has? DPW Supt. John Karl stated no they have about 140 when they are there. Mayor Welle said so it would not be more than we have had in the past. Trustee Sacher asked does HVWW pay the \$25.00 fee. Mayor Welle stated no. DPW John Karl stated we are members. Mayor Welle stated they have to supply us with a certificate of insurance. Please let the record note that that will become part of the MOTION.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

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PROPERTY TAX –LEGAL NOTICES –

Mayor Welle read Pursuant to section 1428 of the Real Property Tax Law of the State of New York, the warrant and Tax Roll for the collection of the Village Taxes of the Village of Harriman, New York, has been filed with the Village Clerk for the fiscal year June 1, 2013 to May 31, 2014. Taxes will be received at the Village Office, 1 Church Street, Harriman, New York daily from June 3, 2013 to July 3, 2013 except Saturdays, Sundays and Legal Holidays without penalty.

Beginning July 3, 2013 5% will be added for the month of July and 1% for each month thereafter until paid.

MARIE COIMBRA
VILLAGE TREASURER
VILLAGE OF HARRIMAN

DATED: MAY 14, 2013

Mayor Welle continued to read LEGAL NOTICE VILLAGE ENFORCEMENT TO MARIE COIMBRA VILLAGE TREASURER YOU ARE HEREBY DIRECTED to receive and collect from the several persons named in the tax roll hereunto annexed, the several sums stated in the last column hereof opposite their respective names, being a total of \$1,690,490.98 for the following purpose:

FOR THE CURRENT BUDGET: \$1,685,498.00

DELINQUENT WATER \$4,992.98

YOU ARE FURTHER DIRECTED to receive and collect such sums without additional charge between the 3rd day of June and 3rd day of July: both inclusive; and thereafter to collect with such of the sums as have not been theretofore collected, an additional charge of five percent for the first month or fraction thereof and one percent for each month or fraction thereof thereafter until paid.

YOU ARE FURTHER DIRECTED to file the tax roll and warrant in your office on or before the fourteenth of October 2013 and to deliver to the Orange County Commissioner of Finance in Goshen the taxes remaining due and unpaid; showing the person or persons to whom the parcel is assessed and showing as to each parcel the amount of tax unpaid.

STEPHEN H. WELLE
MAYOR
VILLAGE OF HARRIMAN, NEW YORK

DATED: MAY 14, 2013

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WATER ACCOUNTS – Account #'s 2025, 6150, 4143

Mayor Welle stated these are accounts we received letters,

Account # 2025 – Mayor Welle stated they received bill much higher than usual, this was due to the new meters that are being installed as part of the ongoing meter update program and apparently the old meter had been under reporting for some time. If the Village Board wishes to authorize a discussion to be had with the water customer to come up with an average amount and to advise them that the future bills may be higher than they experienced do to the new meter accurately recording the usage or whatever else the Board so desires to do in this manner.

MOTION was made by Trustee Sacher to authorize the discussion with water customer # 2025 as outlined by the Mayor.

SECOND was made by Trustee Chichester.

Trustee Mosca stated is this a residence? Mayor Welle stated yes it is.

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

Account # 6150 – Mayor Welle stated this is a similar issue with the remote not working and water usage being under reported.

MOTION was made by Trustee Chichester to authorize the discussion with water customer # 6150 as outlined by the Mayor since this is a similar situation.

SECOND was made by Trustee Shuart.

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

Account # 4143 – Mayor Welle stated this was an apartment that was assumed to have been empty. It was not empty, and again when the new meter was installed it was discovered that the old meter was not actually recording

MOTION was made by Trustee Chichester to authorize the discussion with water customer # 4143 as outlined by the Mayor since this is a similar situation to the other two accounts.

SECOND was made by Trustee Shuart.

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

DPW REQUEST – TRUCK PURCHASES (2)

Mayor Welle stated these are for the 2013-2014 Budget. One is for a 2013 Ford F550 which is going off the Chautauqua County Bid. Mayor Welle stated on advice of Counsel this is now legal in NY State. The total price of the truck is \$57,884.63.

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MOTION was made by Trustee Mosca to approve the purchase of the Ford F550 as outlined by the Mayor.

SECOND was made by Trustee Chichester.

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

Mayor Welle stated the second one is 2013 Ford F150 which also is going off the State Bid. The total on this one is \$17,180.83. This is also for the 2013-2014 Budget.

MOTION was made by Trustee Chichester to approve the purchase of the Ford F150 as outlined by the Mayor.

SECOND was made by Trustee Mosca.

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

ASBESTOS INSPECTION PROPOSALS - (6 So. Main Street)

Mayor Welle stated that prior to any demolition to 6 So. Main Street an asbestos inspection needs to be completed. We received two quotes. We have a verbal one from RTK Environmental for \$525. plus the samples in accordance with the NYS Regulations. The NYS Regulations specify how many samples depending upon the age and size of the building so in theory with any company it will be the same amount of samples and types of samples. The second estimate is from D.V.D. Environmental Inc. for \$400. Plus samples not to exceed \$1000.

Trustee Mosca asked did RTK give a not to exceed price. Mayor Welle stated No they did not, but he did say that regardless of who comes in they should be taking the same amount of samples. So if that is the case D.V.D is the lesser cost.

MOTION was made by Trustee Sacher to approve D.V.D Environmental Inc. as outlined by the Mayor.

SECOND was made by Trustee Mosca.

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

OIL TANK REMOVAL PROPOSALS – (6 So. Main Street)

Mayor Welle stated that along with that there is an above ground oil storage tank in the basement. We received two cost estimates. The first one is from C2G Environmental Consultants LLC for \$1,475.00 and a second one from Crossriver Environmental Inc. for \$850.00

MOTION was made by Trustee Chichester to approve Crossriver Environmental Inc. as outlined by the Mayor.

SECOND was made by Trustee Shuart

Mayor Welle stated he would like to comment with Crossriver Environmental Inc., the tank will be cleaned and certified and left there to go with the demolition debris. The Mayor also wanted to comment

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OIL TANK REMOVAL PROPOSALS – (6 So. Main Street) (Continued from page 5)

while he has no financial interest in the company at all, he does know the owner of Crossriver Environmental and wanted it to be stated for the record. That should have no bearing on anyone's choice as to what company to or not to go with. Trustee Sacher asked is there going to be an additional charge to have this tank removed with the demolition. Mayor Welle stated no because it will be certified to be clean, they will give us a certification that it is clean, so it will be considered clean junk. Trustee Mosca asked is the other quote including the removal? Mayor Welle stated yes they would take it away for \$1,475.00. Mayor Welle stated he had called three companies but the other one never called back, so he was able to supply the two quotes.

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

WOODBURY PLAZA – WATER REQUEST

Mayor Welle stated that the Board has attended presentations and has had information supplied to them it is now up to the Board to decide if they would like to authorize a conversation to be had to negotiate to see if we can come to an agreement on providing water to this property.

MOTION was made by Trustee Shuart to authorize a conversation to be had to negotiate a possible agreement as outlined by the Mayor.

SECOND was made by Trustee Chichester.

Trustee Mosca stated are we sure we have enough water supply. Mayor Welle stated that would all be part of the negotiations. If we do not have the supply they would not get it. Trustee Sacher stated this is just to authorize discussion correct? Mayor Welle stated you are correct; you are not authorizing the approval just discussion.

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

GASB 45 PROPOSALS –

Mayor Welle stated that every three years the Village is responsible to have Actuarial Services for the future retirement and benefits for the Village. We have three quotes here Danziger & Markhoff LLP for \$2550., one from the Burke Group for \$2585., and one from the Harbridge Consulting Group for \$3000. Trustee Shuart asked did we work with any of these companies before. Mayor Welle stated that we have used Burke but there were some discrepancies that we had picked up on and were never resolved.

MOTION was made by Trustee Chichester to approve Danziger & Markhoff LLP as outlined by the Mayor.

SECOND was made by Trustee Shuart.

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

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KONA ENERGY –

Mayor Welle stated they called and requested to be on the agenda. They were claiming to be .0489 cents per kWh. When the Mayor finally got all the information that is their adder not the total cost. We are currently locked in at .0625 cents total. Kona Energy would be around 8 cents to over 11 cents more. Mayor Welle stated this will die due to lack of a MOTION.

SURVEY PROPOSAL – VILLAGE PROPERTIES

Mayor Welle stated we need to have 6 So. Main Street surveyed and at the same time if the Board so choices we can have the other three parcels right here done also since there is no survey of them. Mayor Welle continued to state this is something as we have been going through with different water projects we found the need for surveys. And they are becoming more needed for any loans, grants they are requiring these surveys more and more. Mayor stated we can have just 6 So. Main Street surveyed for \$1615. or 6 So. Main Street and the three other parcels that the Village Hall sits on and the park for \$4590. Trustee Shuart stated this would be in our advantage to get them all done right now. Mayor Welle stated it would be cheaper to do them all at once then to piece them out later.

MOTION was made by Trustee Shuart to approve 6 So. Main Street and the other three parcels that the Village Hall sits on and the park be surveyed as outlined by the Mayor.

SECOND was made by Trustee Chichester

Trustee Mosca asked do we have any other quotes. Mayor Welle stated this is through the Village Engineers Lanc & Tully.

AYE: Trustee Chichester
Trustee Sacher
Trustee Shuart

NAY: Trustee Mosca

STANDARD WORKDAY RESOLUTIONS

Mayor Welle stated this needs to be done anytime there is an Election. It is the same information as last time just different dates. It needs to be posted for 30 days and then filed with the NYS Comptroller's Office and the State Retirement System. We need authorization for the Village Clerk to file this and post it in the Village Hall for 30 days.

MOTION was made by Trustee Shuart to authorize the Village Clerk as outlined by the Mayor.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester
Trustee Mosca
Trustee Sacher
Trustee Shuart

NAY: -0-

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ATTORNEY REPORT:

- Hampton Inn – their attorney asked for one more chance to try to get them to up their offer.
- Water Easements - We are working on the other two we heard back from one.
- Building Inspector Ron Walker wanted to discuss he is having issues with two Village properties 61 Oxford Lane (it is abandoned at this time) there were two open gates with entrance to an in-ground swimming pool. I spoke with a Jonathan at the Bank and there were 2 locks placed on the gates. The other property 4 Kensington Way (it is abandoned at this time) we have received numerous complaints from neighbors regarding the lawn needing mowing and all the garbage in the rear yard and as well as the metal frame car port that is ready to fall down. The County still has the property owner as James O'Connor but the bank that is supposed to hold the property "Agua Loan Services" has no listing for it. The Building Inspector is requesting that the Village Board authorize the DPW or a Company to mow the lawn and remove the garbage and metal frame car port. The Village Attorney stated that you cannot throw away peoples belongings even though it appears to be garbage we would have to start condemn proceedings but the Village Board can authorize the DPW to go in and mow the property and make sure all the garbage and metal car port are secured as to not cause any harm or damage to anyone. Mayor Welle stated in the past we have authorized the DPW to go in and billed for the manpower by billing them first and if no payment we can re-levy onto their taxes. The short term fix would be to authorize the DPW, the long term if we can find someone with ownership or condemn the property. Mayor Welle stated it really is not fair to the neighbors. The Village Attorney stated with the condition of the area we would have to have it condemn due to health issues of all the trash, then we would have the right to remove all their property. If you want to mow the property so it is not an eye sore that is fine.

MOTION was made by Trustee Chichester to authorize the DPW Supt. to do the maintenance on 4 Kensington Way as outlined by the Building Inspector.

There being no **SECOND** Mayor Welle stated I think at this point we should just authorize cutting the grass under the property maintenance. Village Attorney stated that is as far as she would go right at this time, she stated the DPW can secure anything back there but not remove anything. DPW Supt. John Karl stated it will take about 1 hour to 1 and half hour. Trustee Mosca stated maybe it is too early for the banks to be out mowing. Building Inspector Ron Walker stated a lot of people have already started cutting their grass more than once already and Memorial Day is coming in two weeks, you can wait until the Friday before Memorial Day if you would like. Trustee Sacher stated I am sure the DPW will be very busy then. Trustee Mosca stated how soon would you do it? DPW Supt. John Karl stated we could do it when we cut the green areas, we could just go right over there and cut it. Mayor Welle stated that we need a **MOTION** to allow the DPW to go in and mow the lawn and secure anything in the backyard that they can at this point in time.

MOTION was made by Trustee Shuart to authorize the DPW to go in and mow the lawn and secure anything in the backyard that they can.

SECOND was made by Trustee Chichester.

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

Trustee Shuart stated that he believes we should look into this, so that we do not have to go through this every time maybe we can put something into the maintenance code.

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PUBLIC COMMENT:

Alexandro Bevaequa – 61 Talbot Road

I am actually here to discuss my water bill also, I have been paying now for the past four years a maintenance charge of \$450.00 every quarter, which is far above what any other home owner is paying in the development. The charge for the water was \$100.00. I want to know what can be done regarding this so that I can start to pay something a little bit more responsible compared to what everyone else is paying. Trustee Sacher stated are you in a single family residence? Mr. Bevaequa stated yes it is. Mayor Welle stated as I have explained to you and your wife on the phone when the development was built the engineers plans had to be approved by the Dept of Health and the Engineer that designed the development, designed it to meet the Health Dept. specifications and code on the water pressure and designed your house you have a long driveway and up a hill with a 2” meter and after speaking with the Village Engineer and DPW Supt. and the Orange County Dept of Health if you want to hire an engineer to certify that a smaller meter would provide the prescribed water pressure at your highest elevation of use and it would meet the code, then you could purchase a meter and have it installed and your service charge would reflect whatever size meter is there. Mr. Bevaequa stated that when he bought the house the water pressure was terrible and had to purchase a pressure booster on top of it, he continued, so I would have to hire an engineer there are other houses with long driveways that are paying this fee. Mayor Welle stated you would need an engineer to certify that a smaller meter would still give you the pressure that is required for your elevation. Mayor Welle stated you cannot go out and get a smaller meter and then come back to the Board and state that you are not getting enough pressure. Mr. Bevaequa stated well what kind of engineer? Mayor Welle stated whatever engineer is qualified to certify this I would not know. Mayor Welle stated the Health Dept. could probably help you. Mayor Welle stated that would be the only way we can address this, that was the way it was originally designed and approved. Mr. Bevaequa stated is the rate that I am being charged for a residential property? Mayor Welle stated that is the fee for a 2” meter it does not matter if it is residential or commercial; it goes by the meter size. Mayor Welle stated I verified you were being charged the right amount for the size meter that you have.

Robert Maggard – NYBIT President of the Corporation

Mayor if I may, I am here to see if the Board has made a decision about if the base for Grove Street would be paid, as per our meeting yesterday with you, Deputy Mayor Shuart, myself, Roy from NYBIT and DPW Supt. John Karl you stated it would be discussed tonight so I am here to see if you or anyone on the Board would have any questions for me this evening. Mayor Welle stated that would be discussed this evening during Executive Session with the Village Attorney which is not open to the public but I will call you tomorrow morning with our decision. Mr. Maggard stated so I cannot be there it is not open to the public, when will that take place. Trustee Sacher stated right after our regular Village Board meeting this evening. Mayor Welle stated directly after this. Mr. Maggard stated so this is the end of the subject here. Mayor Welle stated like I told you I will call you tomorrow morning with the Village Board’s decision. Mr. Maggard stated okay

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.

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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 Shuart to end Executive Session and return to the regular meeting.

SECOND was made by Trustee Chichester.

ALL IN FAVOR

Attorney Marissa Tuohy excused at this time

MOTION was made by Trustee Chichester to approve the proposal from Certified Appraisal Services in the amount of \$1,500. for the new tank easements.

SECOND by Trustee Shuart.

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

MOTION was made by Trustee Chichester to approve the additional amount of \$8,500. To drill a well at North Main #2 as per Tom Cusack, this will be coming out of the Un-appropriated Water Fund

SECOND by Trustee Shuart.

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

A **MOTION** was made by Trustee Chichester and **SECONDED** by Trustee Sacher to adjourn the meeting at 9:15pm.

ALL IN FAVOR.

Respectfully submitted by _____
Kelly Kearney, Village Clerk