

**VILLAGE BOARD MEETING
MAY 14, 2019**

7:00PM – AUDIT BILLS
7:25PM – PUBLIC HEARING – Local Law #6, 2019
7:30PM – REGULAR MEETING

AGENDA

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES – April 9, 2019**
- 3. INFORMATIONAL ITEMS**
- 4. DEPARTMENT REPORTS**
- 5. LOCAL LAW #6, 2019 – REPEAL LOCAL LAW #1, 2019**
- 6. WATER ACCOUNT REQUESTS a) 109 b) 141 c) 142 d) 254**
- 7. PLANNING BOARD – RESIGNATION / APPOINTMENT**
- 8. PARK REQUEST a) Palitkiran b) Mulligan Eden Post 1513 c) Orange Co Amateur Radio Club**
- 9. 2019 – 2020 VILLAGE BUDGET – LEGAL NOTICES**
- 10. IMA – POLICE TACTICAL TEAM**
- 11. RESOLUTION 1 – 2019 - EMERGENCY**
- 12. #2 MAPLE AVE**
- 13. OUTDOOR CAFÉ APPLICATION, MYTHOS HOUSE LLC**
- 14. PART-TIME OFFICER APPOINTMENT**
- 15. BUDGET TRANSFERS**
- 16. SCHEDULE PUBLIC HEARING LOCAL LAW #7**
- 17. SURPLUS EQUIPMENT – DPW**
- 18. ATTORNEY REPORT**
- 19. PUBLIC COMMENTS**
- 20. MOTION TO ENTER EXECUTIVE SESSION – LITIGATION - ATTORNEY CLIENT PRIVILEGE**

UPCOMING MEETING DATES:

| | |
|---|----------------------|
| ZONING BOARD OF APPEALS MEETING: | JUNE 5, 2019 |
| PLANNING BOARD MEETING: | MAY 20, 2019 |
| VILLAGE BOARD MEETING: | JUNE 11, 2019 |

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
May 14, 2019
Page 1

7:00pm – Audit Bills
7:25pm – Public Hearing – Local Law #6
7:30pm – Regular Meeting

PUBIC HEARING

Mayor read the following:

PLEASE TAKE NOTICE THAT the Village Board of the Village of Harriman will hold a public hearing on proposed Local Law No. 6 of 2019 entitled “A Local Law to Repeal Local Law Number 1 of 2019” **at its new, temporary location at 12 Church Street, Harriman, New York (formerly the Harriman School)** on May 14, 2019 at 7:25pm or soon thereafter as the matter may be heard. Said currently proposed Local Law will allow the Village of Harriman to repeal Local Law No. 1 of 2019, which was adopted on January 8, 2019 which granted authority to the Village Board to override the limit on the amount of the real property taxes that may be levied, pursuant to the General Municipal Law §3-C and which would have allowed the Village Board at its discretion to adopt a Village budget for fiscal 2019/2020 that require a real property tax in excess of the tax levy.

PLEASE TAKE FURTHER NOTICE that the Village Board adopted a Village budget for fiscal 2019/2020 that did not exceed the tax levy limit, and therefore, the Village Board wants to repeal Local Law No. 1 of 2019, thereby, making the Village residents eligible for a New York State Property Tax Rebate Program.

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 asked did we receive any written comments?

Clerk replied no.

No public comments.

MOTION to close the Public Hearing by Trustee Chichester and Second by Trustee Farrell.

ALL IN FAVOR

REGULAR MEETING

ROLL CALL

Mayor Stephen Welle, Deputy Mayor Colleen Farrell, Trustee G. Bruce Chichester, Trustee Sandra Daly, Trustee Lou Medina, Police Chief Dan Henderson, John Hager, Building Inspector, Village Clerk Jane Leake, Village Attorney, Dave Darwin

The Mayor asked everyone to stand for the Pledge of Allegiance.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
May 14, 2019
Page 2

APPROVAL OF MINUTES

Mayor asked if there are any changes or corrections to the minutes of April 9, 2019 Regular Board Meeting?

Trustee Medina had a few corrections.

MOTION was made by Trustee Farrell to accept the minutes of April 9, 2019 Regular Board Meeting with the noted corrections.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

INFORMATIONAL ITEMS:

This evening's bills were audited:

Trust & Agency \$ 1,049.80

General Fund \$ 111,283.12

Water Fund \$ 46,054.62

- Brush Policy – Village continues to pick up brush on a weekly basis. Ask that you put it at the edge of the property not in the road or on the sidewalk. Brush only, we do not pick up leaves this time of year.
- Town of Monroe Composting Facility is open Wednesday and Saturday's from 8am – 2pm now through May 18, 2019. They will accept leaves and brush. Brush must be tied and under 4' in lengths.
- Clean Sweep was held, and it was a huge success again this year. I want to thank all the sponsors, the Police Department who had a couple of Officers out there to keep the people safe, the DPW who helped out and the entire Board who showed up to help out that day.
- We received a thank you – Mayor read:
Thank you so much for your generous food pantry donation of none perishable food items to the First Presbyterian Church of Monroe Food Pantry. Your support means so much to us and our clients. Thank you again for thinking of us and making a difference in the lives of those in need. The Staff of the First Presbyterian Food Pantry.

That thank you is for everyone who contributed. There was a lot of items. There were probably twice as much as last year. It went very well this year.
- Heritage Trail – the County put forth a plan that left several safety issues. So, we are meeting with the County next Tuesday to try and get it rectified so that they can get the sidewalk and parking done so there is access to the Trail from Harriman. We could not let it go with the safety issues because we would wound up being responsible one way or another.
- Planning Board and Zoning Board of Appeals there are still openings. Anyone interested please send a letter of interest to the Village Clerk.
- Field 3 which is the Veteran's Field was opened on May 8, 2019. All of the repairs have been done. The fencing was put back and Little League was notified that it was okay to use. So, Field's 2 and 3 are opened except when it rains. Little League has not come back to us about Field 1 and what their plans are regarding there required netting.
-

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

May 14, 2019

Page 3

- In September of 2017 the Village signed an Agreement with Municipal Audit Services to look into franchise fees paid by the various Telephone Companies and Cable Companies in the area. They have concluded their report, although they have been having trouble getting information from Cablevision Altice. Their estimate is that we are owed approximately \$40,000.00 in fees that they did not pay; they did not calculate. So, they will now be going to Optimum or Altice to try to reconcile this. They have been having trouble getting records for the last year. So, some of it is based upon estimates on their part. I don't anticipate that we would get a check right away from Optimum.
- The Village of Woodbury will be holding a scoping meeting on May 22, 2019 at 7:30pm at the Woodbury Village Hall regarding the proposed plans from Woodbury Common to add two hotels, restaurants, another parking garage, a Helipad and more stores. On the SEQRA they have come up with a Positive Declaration on the proposed expansion.
- There have been several meetings with a Committee of Orange County Legislators regarding Orange County Sewer District 1 and Harriman Waste-Water Treatment Plant. Trustee Medina has gone to a couple of them with me. They have a plan for a longevity upgrade to the plant, which will not increase capacity, but do repairs and upgrades. They are looking at least a year before they can even be at the process where they will start going out for bids. They are looking at 20 – 25 million dollars. What they say is needed. We will continue to go to the meetings. Just as I said before the Village of Harriman doesn't need any more capacity so we shouldn't have to pay for it. Their contention is it is a District, so everyone pays in the District. The plant does need upgrading. The way it was built in three separate stages it makes it difficult to operate and upgrade. They are looking into all of the difference possibilities.
- I attended the Orange County Association of Towns, Villages and Cities Meeting there were representatives there discussing the update on the County Transportation Program. They are looking into all alternatives and possibilities for improving the Transportation. There was also a representative there from New York Sun, which is sponsored by NYSERDA, that is doing Solar for low income Communities. There is information on that, if anyone here is interested.
- We have had a few complaints about the lights at Superior Pack Group causing visibility issues on Baily Farm Road. We have been working with them to get them readjusted and we will continue until it is not a problem blinding people.
- Hydrant Flushing will be next week. Water may be discolored, but it is safe to drink.
- Assemblyman Colin Schmitt held the 99th Assembly District 2019 Women of Distinction Award Ceremony last week. Trustee Medina and I attended as Irma Escallier, Chairperson of our Planning Board and Village Historian was nominated. She received an award along with 15 other people and it was a very nice ceremony. Well received.
- Family Fun Day is scheduled for Saturday, September 7, 2019, 1- 4pm in Mary Harriman Park.
- The Orange County Household Waste and Operation Safe Scripts Pharmaceutical Collection Event will be Saturday, June 8, 2019, 9 – 3pm at the Port Jervis High School. There is information here at Village Hall on what is and what is not accepted.
- ADDITIONS: 6e) 662 and 6f) 676

DEPARTMENT REPORTS

Treasurer Report – see attached report

DPW – see attached report - water bills \$322,953.83

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
May 14, 2019
Page 4

Police Department – see attached report – took in \$15.00
Water Account Adjustments – see attached report
Court Reports – see attached reports
March 26,170.50 \$16,262.00 remains with Village
Building Department – see attached report
\$ 180.00 Building Permits
\$ 1100.00 Violation Searches
\$ 4832.71 Corrective Measure
\$ 430.00 Inspection Fee - Releived
\$ 6,542.71 **TOTAL**

Trustee Farrell stated in regards to the DPW report. I know there is someone else new doing the report and it is probably the most detailed report we ever received.

Mayor replied I will pass that on to Kenny.

LOCAL LAW # 6

Mayor stated Local Law #6 repeals Local Law #1. The Public Hearing was held this evening and there was no comments written or verbal. Once again, we were able to adopt a budget that was under the 2% tax cap.

MOTION was made by Trustee Chichester to adopt Local Law #6.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

WATER ACCOUNT REQUESTS

Account 109 – Penalty Waiver Request

LACK OF MOTION – Denied

Account 141 & 142 – Penalty Waiver Requests

LACK OF MOTION – Denied

Account 254 –

Mayor stated this was on the shut off list of April 11, 2019 when it was brought to my attention it was a State Group Home, I did not have them shut off. We did finally receive payment as it comes directly from the State. Late fees are a part of the May 1, 2019 bill.

Account 662 – Penalty Waiver Request

LACK OF MOTION – Denied

Account 676 – Payment Request

MOTION was made by Trustee Chichester to approve payment ½ now and ½ by the end of June. If not paid in full by June 28th all penalties will be applied.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

PLANNING BOARD RESIGNATION

Mayor stated we received an email resignation from Mike Zwarycz from the Planning Board.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
May 14, 2019
Page 5

MOTION was made by Trustee Daly to accept Mike Zwarycz resignation from Planning Board.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

Mayor stated I make a recommendation that we appointment Jim Kelly as the Planning Board Member to fulfill the term of Mike with a term ending March 2020.

MOTION was made by Trustee Chichester to appoint Jim Kelly to the Planning Board with a term ending March 2020.

SECOND was made by Trustee Medina

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

PARK REQUEST

Palitkiran – May 4, 2019 – normal procedure prior to a meeting it does get approved.

Mulligan Eden Post 1573 – May 27, 2019

MOTION was made by Trustee Chichester to approve Mulligan Eden Post 1573 Park Request for May 27th with fee waived.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

Orange County Amateur Radio Club – August 17, 2019

Trustee Farrell stated we had one of the representatives come and they met with Steve, myself and Marie. Originally, they approached wanting to do a demonstration for Family Fun Day, but it really wasn't a good fit. So, we decided we would keep it separate. They want to come and use the Park on August 17th. They are a 501 C 3 (non-profit). They want to commemorate the first dispatch from Harriman to Goshen of the Erie Railroad via telegraph in 1851. They will need the park between 9am and 10pm. They are going to be broadcasting morning, afternoon and evening. The group will be sitting at some of the tables under the Pavilion with their different kinds of radios. The noise will be at a minimum and there is no interference with anyone's cable, Wi-Fi or anything in the area. They are going to broadcast three different modes (Voice Over Radio, Morse Code and Digital Radio). They need to put up some antenna's, but what they use is similar to a tennis ball that they shoot up into the tree with a combusted air and it is like a fishing line. So, they use that in order to get the antenna's up. No one would be climbing any trees or hammering into any trees. The group has a Certificate of Insurance. I propose, if everyone is in agreement, that since this is both Historical and educational that we waive the park fee, allow the group to use the park after sundown and that we open the demonstration up to the surrounding Communities.

MOTION was made by Trustee Daly to approve Orange County Amateur Radio Club Park Request for August 17th and waive the fee.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

2019 – 2020 VILLAGE BUDGET

Mayor read the following:

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 \$1,889,296.28 for the following purpose:

FOR THE CURRENT BUDGET: \$1,877,820.00

DELINQUENT WATER: \$6,213.57

DELINQUENT MAINENANCE: \$5,262.71

YOU ARE FURTHER DIRECTED to receive and collect such sums without additional charge between the 1st day of June and the 1st 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 per centum for the first month or fraction thereof and one per centum for each month or fraction thereof thereafter until paid.

YOUR ARE FURTHER DIRECTED to file the tax roll and warrant in your office on or before the Thirty-first of October 2019 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.

Mayor stated those are the final delinquent numbers after some payments were received after the last Board Meeting.

Mayor Read:

Legal Notice, Village of Harriman, Notice of Collection, Village Taxes

Pursuant to Section 14-28 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, 2019 to May 31, 2020. Taxes will be received at the Village Temporary Office, 12 Church Street, Harriman, New York daily from June 1, 2019 to July 1, 2019 except Saturdays, Sundays and Legal Holidays without penalty.

Beginning July 2, 2019 5% will be added for the month of July and 1% for each month thereafter until paid.

Mayor stated on the Budget that was approved as of May 1st the taxable value on the Town of Monroe was changed. Apparently, the County changes right up to May 1st of every year. The taxable value on the Monroe side was increased by \$20,475.00. The Town of Woodbury remained the same. This changes a couple of the numbers. The most important ones are the tax rate. Town of Monroe is a decrease of about 3 cents a thousand and on the Town of Woodbury side there is about a 1 cent decrease. It is not much, but it is in the right direction.

INTERMUNICIPAL AGREEMENT

Mayor stated Intermunicipal Agreement with the Police Tactical Team have you had a chance to review this?

Attorney Darwin replied I have. There are a few issues that need to be looked at a little further. I want to get in touch with the two Municipalities that have signed off on it to get some thoughts from them. My main concern is defense of indemnification.

Mayor stated we will discuss it and go from there.

RESOLUTION #1 2019

Mayor stated regarding the generator at the North Main Street Well House. We knew it was failing. We budgeted it for the new budget. Unfortunately, it didn't last that long.

Mayor read:

WHEREAS, on April 30, 2019 the generator at North Main Street well in the Village of Harriman was not functioning and was not capable of repair; and

WHEREAS, the North Main Street well is one of the main producing wells for the Village water supply; and

WHEREAS, pursuant to paragraph 4 of Section 103 of the General Municipal Law, the Mayor of the Village of Harriman made a determination that conditions did exist whereby circumstances affecting public buildings, public property or the life, health or safety of the inhabitants of the Village required immediate action which could not await competitive bidding, and in consideration of such conditions the Mayor obtained quotes for a new generator from two vendors and authorized the purchase of a new generator from the vendor submitting the lowest quote.

NOW, Therefore, it is hereby

RESOLVED, as follows:

1. The Village Board of the Village of Harriman does hereby find and declare that conditions existed whereby public buildings, public property and/or the life, health or safety of the inhabitants of the Village may be affected.
2. That due to the potential seriousness of the situation, and due to the fact that immediate action was required, the Village could not wait for the competitive bidding process to take place.
3. The Village Board does hereby ratify the Mayor's determination to authorize the purchase of a new generator for the North Main Street well and to take the steps necessary to effectuate the purchase.

PEAK POWER was the lower bidder with a cost of \$23,775 for generator.

MOTION was made by Trustee Medina to approve Resolution #1 2019.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

Mayor stated I was able to get two quotes and we did authorize the lowest bidder to order it. We are not going to see it for a couple of months regardless so it will be in the new budget and what the bidder did offer us was to loan us a generator in the meantime at no cost. So, we do have a tow behind generator there, so that if it is needed, we do have the power for it. We couldn't wait because it does take a long time to get these being, they are custom made.

2 MAPLE AVENUE

Mayor stated after the last meeting I did call Orange and Rockland, the Municipal Liaison and he advised me that due to the fact that it is individual accounts they could not give me any information on them, but that once someone does become delinquent they do shut them off. I said there have been several notices posted over many months that they were going to get shut off and they weren't so if Orange and Rockland's new plan was to let people to have free electric, we had plenty of people interested in signing up. Since then either the bulbs burned out or the electric has been turned off because it seems like it is dark in there. Who owns it?

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

May 14, 2019

Page 8

Attorney replied the County. I tried following up with the Assistant County Attorney who is handling that, and I was not able to get more information in terms of what the County was doing. I think part of the reason why we are not getting a response is that the Director of Real Property Services was out ill. He has just returned recently on a part-time basis, so I will revive my efforts and would suggest waiting a couple of weeks to see if we can get the attention of the County before sending out a Violation Notice.

OUTDOOR CAFÉ APPLICATION – MYTHOS HOUSE LLC

Mayor stated they have provided all the information required by the Code. The Building Inspector has explained to them everything that they have to do.

MOTION was made by Trustee Chichester to approve the Mythos House Outdoor Café Application.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

Discussion

Mr. Hager stated if this outdoor scenario becomes problematic for some reason, we could withdraw the permit and they understand that. They will limit the hours in the back more so than the front. If it starts to generate problems and complaints, they will be warned and if it continues then we will have to bring it back to this Board.

Mayor asked you will have a discussion with him on what he needs to do moving forward?

Mr. Hager replied yes, and I do believe that is supposed to be reviewed annually.

Mayor replied yes.

Chief stated and if there are any complaints as far as noise, I will bring it to the Mayors attention.

Discussion

PART TIME OFFICER APPOINTMENT

Mayor stated a while ago we had created another position and at this time the Chief would like us to hire Robert McCann effective June 1, 2019 as a Part-Time Police Officer in accordance with the PBA Contract. He has gone through all of the interviews and background checks that the Chief has required.

MOTION was made by Trustee Farrell to approve hiring Robert McCann as a Part-Time Officer effective June 1, 2019 in accordance with the PBA Contract.

SECOND was made by Trustee Medina

AYE: Trustee Farrell

Trustee Chichester

Trustee Daly

Trustee Medina

NAY:

NONE

Chief stated he is a recently retired Sergeant from Blooming Grove Police Department, so we are getting a Part-Timer who has been in a Supervisory position which is very beneficial in this line of work.

BUDGET TRANSFERS

Mayor stated in the Water Budget, one transfer, transferring a \$1,000 from Contingent to Source of Supply for the Electrician as presented by the Village Treasurer.

MOTION was made by Trustee Chichester to approve the Budget Transfer as outlined in the May 10, 2019 memo from the Village Treasurer.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
May 14, 2019
Page 9

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

SET PUBLIC HEARING

Mayor stated we need to schedule a Public Hearing for Local Law #7 of 2019.

Discussion – determining they should be split up into two Local Laws.

Mayor continued we can schedule them as Local Law 7 and 8 at 7:15 and 7:20pm on June 11, 2019.

MOTION was made by Trustee Daly to approve scheduling Public Hearings for Local Laws 7 and 8 at 7:15 and 7:20pm on June 11, 2019.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

SURPLUS EQUIPMENT - DPW

Mayor stated the DPW has requested that we declare two generators as surplus equipment. The first one is an ONAN 100kw which was the generator at Carriage Hill that was undersized from day one. That was replaced a year and half to two years ago and we were hoping to reuse this someplace, but we are not able to. The other one is the GENERAC 45kw from North Main Street that is no longer of use to us. We will advertise on Auction International with a closing date of June 10, 2019 and award them at the June 11, 2019 Board Meeting.

MOTION was made by Trustee Chichester to approve auctioning of the two generators on Auction International with an ending date of June 10, 2019.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

NAY:
NONE

ATTORNEY REPORT

Mayor asked any status or update on 4 South Main Street?

Attorney Darwin replied we contacted O’Keefe and McCain Attorneys’ and we were told that they are waiting for final approval from the Investors, which normally takes no more than 30 days. Often less than 30 days, so hopefully by 30 days we will have the approval from the Investors or less and then be able to go forward.

Mayor asked regarding the Kearney Avenue Water Easement?

Attorney Darwin replied I sent the Easement and Attachments to the Attorney a week ago and I tried following up a couple of times since I sent it out and I haven’t heard back from them, so I will continue to follow up.

Mayor replied I will try and contact one of the Principals tomorrow to see.

PUBLIC COMMENT –

James Kelly – 48 Oxford – you were talking about a sewage system, all the building, Woodbury's approvals and all these houses going up. This isn't something that is going down the road 5 years from now. Are all those areas coming here to this sewer? The new housing in Monroe and the new housing over by the State Police?

Mayor replied that is their plan.

Mr. Kelly stated the houses are almost finished there and they are almost finished over in Monroe. They are moving in, in Monroe and you are building more Hotels. We are at a point now where the thing is going to explode. I went to a Town Board Meeting two years ago when Myrna Kemnitz warned about this. She said we are polluting the River with all this salt and other stuff. They voted her out of office. The point is this isn't something that the Legislators can look at and say well it isn't in my backyard. It is happening today. This is a serious problem for this whole area.

Mayor replied the biggest issue is the fact that you have 21 Legislators controlling the destiny of this Sewer Plant where you only have 5 that have Constituents here. As Mr. Darwin will attest, this has been going on for years with the County trying to get some resolution of it so the Communities in this area have more of a say. This Subcommittee that the Legislature has formed right now consists of the 5 Legislators who have users in the District or at the Plant plus the Chairman of the Physical Services Committee. They make up this Subcommittee that is looking along with Delaware Engineering at what needs to be done. Not only to upgrade and maintain the plant, but what do they do for additional capacity. They already discussed the fact there is no more land here to add. Basically, what you have here is three separate plants operating. There is no more room to expand any of them or add another one. The way they were built you can't add on to them because they are three different processes basically. They are looking at alternatives. Although to myself it is very slow. I don't know what they are going to do, but they are aware there is a capacity issue.

Mr. Kelly stated I am not saying anything bad about the County Legislator's, but can't the Board here go a little over their head and maybe go to New York State?

Mayor replied New York State is one of them, trying to put unrealistic controls on the chlorides that they discharge because of the conditions of the Ramapo. Well the problem is the chlorides in the Ramapo are way out of whack because of what's coming down from North of us. It would cost over \$40 million dollars to put the necessary equipment in to bring the chlorides down to the level that the DEC wants them at. Again, you don't have any more capacity.

Mr. Kelly asked are they looking at another site?

Mayor replied they are looking at several different options and even if they were to choose a site and everything today, you are looking at 10 years from now that it is done. I don't know what they are going to do.

Mr. Kelly stated Myrna said it is going to start backing up into us. You are overflowing it.

Mayor replied they have been told for years that there's issues and they are going to be here. If we go to the DEC, all they will do is put fines on it and then we will be paying fines. We have done that before.

Mr. Kelly asked they fine you?

Mayor replied they fine the Sewer District so as users we all wind up paying the fines, not the County.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
May 14, 2019
Page 11

Trustee Chichester commented one certain Village continues to put in because the payment is then spread over the 4 Communities that make up the District. So, they only pay 25% of it and they are willing to do that to continue to put in.

Mayor stated there is more argument now then there has been in the past to try and make it fair and equitable, but we will see how it works out. We are their trying.

Mr. Kelly replied to me it is a very serious issue.

Trustee Chichester comments its been serious for years.

Mr. Kelly stated with the land values, if you have a house or something like that because the money is going to come from somewhere and it is not going to come from 25% it is going to come from 100% of the people who are being serviced. They will come up with something.

Mayor replied they are looking at a few different options.

Mr. Hager asked does Woodbury Commons tie into there?

Mayor replied Woodbury Commons ties into there.

Mr. Hager stated that should all come out into the SEQRA. If they gave it a Positive Declaration, that is going to trigger an EIS, I guess.

Mayor replied it should.

Mr. Hager stated that is what the EIS is for. Then this stuff should come out.

Mayor replied yes, absolutely.

James Coleman – 4 Maple – in regard to 2 Maple Avenue, now that the County owns it, so now the previous owners have no vested or any interest or control on that property anymore?

Attorney Darwin replied that is correct.

Mr. Coleman asked in the Boards opinion, does the County have the right then to try and sell the property or demolish the existing structure? That is solely up to the County, but what is the opinion of the Board on what they might do?

Attorney Darwin replied that is what we are trying to find out. We are trying to get in touch with the County to get a determination from them on how they are going to approach this and we want the County to know that the Villages intention is to demolish the building and we want to see if the County would want to demolish it at its expense rather than have the Village demolish it. I don't think the Board wants the County to sell the property to another party because then we might have to start that process all over again with the new owner. So, that is why we are trying to engage the County to bring this to a conclusion before the property is sold.

Mr. Coleman asked so as far as you know or we know they are not listing it as a property for sale, under like a foreclosure?

Attorney Darwin replied they took it in foreclosure, now they can sell the property or put the property up for bid. We want to have a discussion with them before they do that.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
May 14, 2019
Page 12

Mr. Coleman replied okay. Thank you.

MOTION was made by Trustee Chichester to Enter into Executive Session for a Litigation and Attorney Client Privilege.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Medina

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 Trustee Medina to adjourn Executive Session and return to Regular Meeting.

SECOND was made by Trustee Chichester

ALL IN FAVOR

MOTION was made by Deputy Mayor Farrell to authorize Attorney Darwin to file in Orange County Court for a reversal of Judge Deprospos decision regarding the V & T violations from the Town of Palm Tree.

SECOND was made by Trustee Chichester

ALL IN FAVOR

MOTION was made by Trustee Medina to authorize the Mayor to sign the Agreement with Nugent and Haeussler, P.C. for year ending May 31, 2019 for a fee not to exceed \$19,750.

SECOND was made by Trustee Daly

ALL IN FAVOR

MOTION was made by Trustee Chichester to adjourn Regular meeting at 9:35pm.

SECOND was made by Trustee Daly

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk