

**VILLAGE OF HARRIMAN, NEW YORK  
VILLAGE BOARD MEETING  
May 28, 2013**

**7:30 P.M. – REGULAR MEETING**

**ROLL CALL:**

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

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 May 14, 2013, Board Meeting. There being none, the minutes were accepted as written.

**INFORMATIONAL ITEMS:**

- Upcoming meeting dates:
  - Village Board Meeting - June 11, 2013
  - Planning Board Meeting – June 17, 2013
  - Zoning Board of Appeals Meeting – TBA
- Mayor Welle stated that the Holiday Collection schedule on the Monroe side for garbage is today and Friday with Thursday being recyclables.
- Mayor Welle stated that the Village Attorney Marissa Tuohy and I went to a meeting last week regarding sewer district governance. All municipalities involved except for the Village of Chester, Village of Monroe and the Town of Monroe they were not represented. There is supposed to be another meeting within two months.
- 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.
- Mayor Welle stated that the Annual Water Quality Report was mailed out.
- Mayor Welle stated that the Town of Monroe annual car tire collection will be June 14<sup>th</sup> and June 15<sup>th</sup> at the Highway Garage. The tires must be off the rims.
- Mayor Welle stated that the Village Of Monroe copied us on the Notice of Completion of draft and SEQR Hearing regarding the adoption of their Comprehensive Plan. A Public Hearing will be held on June 18, 2013 at 6:30 PM at the Village of Monroe's Hall.

**PARK REQUEST – Laurie Quackenbush:** Mayor Welle stated that Laurie Quackenbush has requested to use the pavilion at Mary Harriman Park on July 6, 2013 from 1pm to 6 pm.

**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

**NAY:** -0-

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**MS4 – ANNUAL REPORT –**

Mayor Welle stated this is the annual report Mayor Welle read MS4 Municipal Separate Storm Sewer System administered by the NYSDEC, the Village of Harriman has been designated an MS4 Community since 2003 While the intentions of this program are very good, this is another program which the local taxpayers are responsible for funding. The Village is mandated to follow the regulations including having a SPEDES permit for storm water discharge, attaining annual goals set by the DEC and completing an annual report. The goal of the MS4 guidelines is to reduce the discharge of pollutants into the storm sewer system to the maximum extent possible. Storm water management, erosion and sediment controls are monitored and enforced by the Building Inspector, DPW Superintendent, and the Village Engineer. The Planning Board takes a very detailed look at all proposed projects to ensure MS4 regulations are met. DPW personnel, the Building Inspector and the Village Engineer attend seminars and workshops on MS4 regulations. Announcements are made at Village Board Meetings, placed on the Community Channel and pamphlets are distributed regarding MS4 regulations and what the public can do to comply. The NYSDEC conducted an audit of the Village of Harriman MS4 compliance in September 2011 which the Village passed. We encourage the public to report any apparent illicit discharges to the Village so that they may be investigated. We all need to work together to protect our natural resources. Dave Higgins from Lanc and Tully is here with us tonight, do you have anything to add to this. Mr. Higgins stated we do have a signed report signed by DPW Supt. John Karl who is MS4 Coordinator for the Village. It details all the information you just summarized basically it is an ongoing program that we are continuing with and will have to continue to continue with. I think the only thing the Mayor left out was that we will be responsible to oversee any new construction projects in accordance with the codes that were set up with the Village to coordinate with those with DEC and we oversee compliance with those throughout the project. Mayor Welle asked if the Board had any questions with the MS4 Report. Trustee Shuart said so we are in pretty good shape. Mr. Higgins stated yes the Village is. Trustee Shuart stated is there any other coordination with the other municipalities? Mr. Higgins stated I don't think the Village of Harriman; there is some with the Village and the Orange County Water Authority in terms of public outreach. Education and that sort of things, Mapping GIS mapping we get information as does any of the other municipalities from the Orange County Water Authority. Mr. Higgins stated as far as personal coordination with another Town or Village I am not aware of any, everyone sort of keeps to themselves with compliance. Trustee Shuart asked did you do an aerial photo a few years back. And mark some of the drains white or something like that? Mr. Higgins stated yes I believe that was back in 2004, Orange County Water Authority coordinated with basically all of the Municipalities in the County to basically highlight and mark out their valves, hydrants, catch basins, man holes that kind of things so that they could recognize those in the aerial so that could assist the County and Villages and Towns in terms of mapping. Trustee Shuart said thank you. Mayor Welle stated any comments from the public regarding MS4. Michael Hagopian stated does the County get involved with the Sewer Treatment Plant? Mayor Welle stated that is a totally separate for this. Mr. Hagopian stated doesn't it discharge into the same storm drains? Mayor Welle stated they have to answer to the EPA on that and that comes under different guidelines, yes they do have to answer to them not to us at all. The Board thanked Dave Higgins.

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**DATA STORAGE UPGRADE –**

Mayor Welle stated as we discussed earlier in the year and during the budget process, we need to upgrade the data storage, we will be upgrading from 1 TB to 2 TB. The initial charge will be \$999.00 and the monthly charge will go up approximately \$49.00 to double the size of the storage. This will be through Real Time Consultants who is the computer vendor for the Village.

**MOTION** was made by Trustee Shuart to approve the upgrade of our data storage as outlined by the Mayor.

**SECOND** was made by Trustee Sacher.

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

**BUDGET TRANSFERS -**

Mayor Welle stated the Treasurer sent a Memo requesting approval to make budget transfers.

**MOTION** was made by Trustee Chichester as outlined by memo dated May 28, 2013 from Treasurer Marie Coimbra to approve the transfers.

**SECOND** was made by Trustee Shuart.

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

**REQUEST DPW SUPT – ROAD SALT**

Mayor Welle stated he received a request from the DPW Supt to authorize for the State Bid for road salt for the 2013 – 2014 Winter.

**MOTION** was made by Trustee Chichester as outlined by the Mayor.

**SECOND** was made by Trustee Sacher.

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

**2013 – 2014 INSURANCE PROPOSALS**

Mayor Welle stated our insurance agent went out for quotes. We received three quotes

CNA                      \$67,817.  
NYMIR                      \$69,949.  
TRAVELERS              \$95,004.

Travelers are our current insurance but the new rate is very high. Trustee Sacher stated why did it go up so much? Mayor Welle stated that up top said they need more money, if you have personal insurance with them then you can expect the same. They notified us about a month ago that our rates were going up

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**2013 – 2014 INSURANCE PROPOSALS (cont'd from page 3)**

20 -40 percent. Mayor Welle continued by stated that our insurance agent recommended we go with NYMIR This is the insurance reciprocal that has been recommended by the Conference of Mayors and Associations of Towns over the years. It is approximately \$2,000 a year more than CNA but the response from NYMIR in his experience over the years has been better. One of the bigger differences with NYMIR and CNA is the umbrella policy is strictly \$7 million umbrella in any given year you have one shot if it goes to \$7 million you are done. With NYMIR there is a \$14 million aggregate which does make a difference and just regarding the service he is recommending NYMIR. He also is recommending that with regards to the Umbrella Policy itself to increase it to \$10 million umbrella which would give us a \$20 million aggregate if ever needed this would cost \$3300.00 a year more on top of the \$69,949. a year. It really comes down to CNA or NYMIR and our agent is recommending NYMIR based on their service and his experience with them.

**MOTION** was made by Trustee Shuart to approve NYMIR as outlined by the Mayor effective June 1, 2013

**SECOND** was made by Trustee Chichester.

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

**MOTION** was made by Trustee Shuart to approve the additional coverage in the Umbrella \$10 million and Aggregate \$20 million with NYMIR as outlined by the Mayor effective June 1, 2013

Trustee Chichester stated with you being Budget Officer will there be enough in the budget for the increase. Mayor Welle stated we budgeted \$77,000 or \$78,000 this year for liability insurance and there will be additional insurance needed once the new DPW vehicles come in because obviously they are new vehicles and assuming the new water tank gets built this year there will be additional insurance with that but we should have enough to cover all of these.

**SECOND** was made by Trustee Chichester.

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

**ATTORNEY REPORT –**

We cannot have yet since attorney is not here as of yet.

**PUBLIC COMMENT –**

There were no comments from the public.

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Mayor Welle stated regarding the lawsuit that the Village is involved with, with Woodbury against the County and the pipeline. It is before Judge Nicolai. The largest concern is the fact that the pipe going in right now besides not having any approvals for any water, the pipe was increased in diameter allowing for a 70% increase in the volume of water that can flow through it, the waste water is only going to go to one place which is the Harriman Waste Water Treatment Plant. Which will dramatically increase what is coming here and the problem associated with it. That is why the Village has been constantly involved with Woodbury. It is not fair that one municipality regardless of who it is can come in and take whatever capacity we might have left. Everyone should be a part of paying for it and no one should be able to grab it all. Mayor Welle continued with as far as the Governance Issue it has been a long standing problem with the municipalities that the 21 Legislators are basically the ones that make the decisions regarding the sewer plant and I believe that only 6 or 7 Legislators have Constituent that are part of the sewer plant the other 14 or 15 have absolutely no vested or no reason to care no direct impact. And hopefully after the new year regardless of who is elected we will be able to move forward in all probability the County will still run the facility, but the communities municipalities will hopefully oversee. Then hopefully you will be able to get the answers because the 78 Agreement and the 88 Amendment to the agreement and the 95 amendment to the agreement the conditions are not being adhered to by the County and we will have the say that we are supposed to have. And all the municipalities are in the same position on it. Trustee Chichester stated thank you to the Mayor for attending these meetings. Trustee Sacher stated when is the hearing date for the pipeline? Mayor Welle stated he hasn't decided more paperwork was filed today by the Town of Woodbury but he has not stated a date for the stop work order that we requested.

**MOTION** was made by Trustee Shuart to enter into Executive Session for a personnel issue.  
**SECOND** was made by Trustee Chichester  
**ALL IN FAVOR.**

**LET THE RECORD NOTE THAT THE ATTORNEY MARISSA TUOHY CAME AT 7:30 PM**

**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 REPORT:**

**WATER EASEMENTS** - Harriman Associates LLC (the Tire Place) we sent out letters to Daveline and TJ DeMico asking if they would like to tell us anything  
**HAMPTON INN** – We have another offer we will discuss in Executive Session.

Mayor Welle stated he had discussed our meeting we attended in Goshen and that it is ongoing.

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**PUBLIC COMMENT AGAIN –**

There were no comments from the public.

**THERE IS ONE ADDITION TO THE AGENDA- APPOINTING ZBA ATTORNEY**

Mayor Welle stated that interviews were conducted with the Mayor, Deputy Mayor Shuart and ZBA Chairwoman Laurine Miller and they recommend that the Village appoint the Law Firm of Tarshis, Catania, Liberth, Mahon & Milligram PLLC specifically Joseph McKay to be the ZBA attorney at an hourly rate of \$185.00.

**MOTION** was made by Trustee Chichester to appoint Joseph McKay the ZBA attorney as outlined by the Mayor.

**SECOND** was made by Trustee Sacher.

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

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

**SECOND** was made by Trustee Sacher.

**ALL IN FAVOR**

**MOTION** was made by Trustee Chichester to schedule a Public Hearing on June 25, 2013 at 7 PM for Local Law # 5 of 2013 Video Productions.

**SECOND** by Trustee Sacher.

**ALL IN FAVOR**

A **MOTION** was made by Trustee Shuart and **SECONDED** by Trustee Sacher to adjourn the meeting at 8:25 PM.

**ALL IN FAVOR.**

Respectfully submitted by \_\_\_\_\_

Kelly Kearney, Village Clerk