

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
November 10, 2020
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7:00pm – Audit Bills
7:25pm – Public Hearing LL #11
7:30pm – Regular Meeting

PUBLIC HEARING

Mayor Read:

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law # 11 of 2020 entitled “A Local Law to Abolish the Position of Village Justice, pursuant to Sections 10 and 20 of the Municipal Home Rule Law and Section 3-301 of the Village Law” at the Harriman Village Hall, 12 Church Street, Harriman, New York (formerly the Harriman School) on November 10, 2020 at 7:25 p.m. or as soon thereafter as the matter may be heard.

The purpose of this local law is to abolish one of the two Village Justice positions. The position to be abolished is the justice position whose current term will expire on March 16, 2021. The effective date that the position will be abolished will be the date such term expires, subject to permissive referendum.

A copy of the proposed local law will be available for inspection at the Village Clerk’s office located at 12 Church St., Harriman, NY.

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.

Mr. Kelly asked you have two Judges now, can one Judge handle all of that?

Mayor replied at the end of this term we would wind up with a Judge and an Acting Justice who will fill in as needed, which is what we did have in the past. Unfortunately, the Acting Justice wasn’t utilized.

MOTION was made by Trustee Chichester to close the Public Hearing.

SECOND was made by Trustee Daly

ALL IN FAVOR

REGULAR MEETING

ROLL CALL

Mayor Stephen Welle, Deputy Mayor Lou Medina, Trustee G. Bruce Chichester, Trustee Sandra Daly, Trustee Carol Schneider, Village Clerk Jane Leake, Police Chief, Dan Henderson, Building Inspector, John Hagar, DPW Superintendent, Kyle Livsey and Village Attorney, Dave Darwin

ABSENT NONE

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The Mayor asked everyone to stand for the Pledge of Allegiance. Mayor asked everyone to remain standing for a minute to honor the Veterans being tomorrow will be Veteran's Day. It is a day to Honor all of those who have served and are serving in war and peace whether they are deceased or living and although it is largely intended to thank the living Veterans for their service. I just wanted everyone to stand in honor of the Veteran's. Thank you very much.

APPROVAL OF MINUTES

Mayor asked if there are any changes or corrections to the minutes of October 13, 2020 Regular Board Meeting?

MOTION was made by Trustee Schneider to accept the minutes of October 13, 2020 Regular Board Meeting.

SECOND was made by Deputy Mayor Medina

AYE:	Trustee Chichester	NAY:	
	Trustee Daly		NONE
	Deputy Medina		
	Trustee Schneider		

INFORMATIONAL ITEMS

This evening's bills were audited:

Trust & Agency	\$	1,762.05
General Fund	\$	335,506.98
Water Fund	\$	93,139.75

- Brush Pick-up continues on a weekly basis. Ask that you place it at the edge of your property not in the street or on the sidewalk.
- We will continue to pick up leaves. They must be at the edge of your property. Not in the street, bagged or mixed with brush or anything else.
- All Water Customers are eligible to receive an email which will alert them to billing dates, etc. You can sign up with the Village Clerk's Office.
- The Statewide State of Emergency due to COVID continues and Village Hall remains closed to the Public during the day. The Office is staffed from 8am – 3pm and they can be reached by phone or email and all email addresses are on the website.
- Village of Woodbury will be having a Public Hearing on their Local Law #11 of 2020. It will be Thursday at 7:30pm. It is a Zoom Meeting. We have the information here and anyone who wants it. It is also on the Village of Woodbury Website. It has to do with removing bed and breakfast and boarding houses as permitted uses within the Village of Woodbury.
- Although it is a little warm out and has been warm, there is no on street overnight parking from November 1 – April 1 from 11pm – 6am and no on street parking during any snow events until the snow has been totally removed from the roads.
- ADDITIONS – 10a) Budget Transfer
 11a) 681
- We have started our Annual Hat and Glove Drive. I ask that anyone wishing to donate drop them off at the Village Hall during the day or at the Police Station out of hours. We will be accepting donations up until December 9, 2020.

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- Refuse Collection for Thanksgiving Week – there will be no garbage pick-up on Thursday, Thanksgiving Day. It will be picked up on Friday that week.

DEPARTMENT REPORTS

Treasurer Report – see attached report
DPW – see attached report - Water Bills \$385,703.37
Police Department – see attached report – Funds - \$15.00
Water Account Adjustments – see attached report
Court Reports – no reports
Building Department – see attached report

\$ 1,364.00	Building Permits
\$ 600.00	Violation Searches
<u>\$ 50.00</u>	Building Permit Extension
\$ 2,014.00	TOTAL

And there was a \$250.00 DPW Permit Issued which is tracked by the Building Department.

LOCAL LAW #11 – 2020

Mayor stated to abolish one of the two Village Justice Positions a Public Hearing was held there was a verbal comment and no written comments.

MOTION was made by Deputy Mayor Medina to adopt Local Law #11 to abolish the position of Village Justice.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester
Trustee Daly
Deputy Mayor Medina
Trustee Schneider

NAY:
NONE

Mayor continued this is subject to a permissive referendum and it will become effective after the Election of March 2021. It will be published and posted per the requirements.

ELECTION 2021

Mayor read:

A General Election of the Village of Harriman will be held on March 16, 2021 at the Village Hall's temporary location, 12 Church Street, Harriman, New York between the hours of 12 Noon and 9:00 p.m. Please take note, that there will be no Village registration day held prior to the Village Election. The Village of Harriman will utilize the County of Orange registered voter listing as provided by the Orange County Board of Elections.

To be elected are the following:

2 TRUSTEES

4 YEAR TERMS

1 TRUSTEE

2 YEAR TERM

RESIGNATION – DPW & Police Department

Mayor stated we received a resignation letter from Matthew Pascullo from the DPW, dated October 16, 2020. He left for another Municipality. We also received a letter of resignation from Officer Michael Biagini, his last day was November 6, 2020. He also went to another Municipality.

MOTION was made by Trustee Daly to accept Matthew Pascullo and Michael Biagini's resignations.

SECOND was made by Trustee Schneider

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AYE: Trustee Chichester
Trustee Daly
Deputy Mayor Medina
Trustee Schneider

NAY:
NONE

FINANCIAL RISK ASSESSMENT PLAN

Mayor stated there are some modification and changes.

MOTION was made by Trustee Chichester to approve the changes and modification to the Financial Risk Assessment Plan.

SECOND was made by Trustee Daly

AYE: Trustee Chichester
Trustee Daly
Deputy Mayor Medina
Trustee Schneider

NAY:
NONE

VILLAGE CLERK REQUEST

Mayor stated the request is to attend two Webinars on Elections for a cost of \$70.00.

MOTION was made by Trustee Daly to approve the Village Clerk's request to attend two Webinar's on Elections.

SECOND was made by Deputy Mayor Medina

AYE: Trustee Chichester
Trustee Daly
Deputy Mayor Medina
Trustee Schneider

NAY:
NONE

UNPAID VILLAGE TAX RETURN

Mayor stated we send the unpaid Village Taxes to the County to get relieved on the County Tax bill. In the Woodbury portion of Harriman, the amount unpaid is \$71,054.35. In the Monroe portion the amount is \$53,390.49.

MOTION was made by Trustee Chichester to authorize the unpaid Village Taxes be sent to the County.

SECOND was made by Deputy Mayor Medina

AYE: Trustee Chichester
Trustee Daly
Deputy Mayor Medina
Trustee Schneider

NAY:
NONE

BUDGET TRANSFER

Mayor stated we received a Budget Transfer from the Treasurer regarding the Shops at Woodbury with their ongoing capital contribution for Water Exploration and for the Asbestos Abatement Monitoring at 2 Maple which is money we will be billing the County for and getting back at some point on the entire demolition project.

MOTION was made by Deputy Mayor Medina to approve the Budget Transfers outlined in the Treasurers memo dated November 9, 2020.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester
Trustee Daly
Deputy Mayor Medina
Trustee Schneider

NAY:
NONE

REQUEST WATER ACCOUNTS

Account 811 - Penalties Waiver Request

LACK OF MOTION – Denied

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Account 681 – Penalty Waiver Request
LACK OF MOTION – Denied

POLICE DPARTMENT APPOINTMENT(s)

Mayor stated a few months ago Part-Time Police Officer Richie Jackson retired and at this time the Chief is requesting we hire Tyler Stark as a Part-Time Police Officer effective November 12, 2020 at a pay accordance with the PBA Contract.

MOTION was made by Trustee Chichester to approve hiring Part-Time Police Officer Tyler Stack effective November 12, 2020 at a pay accordance with the PBA Contact.

SECOND was made by Trustee Daly

AYE: Trustee Chichester
Trustee Daly
Deputy Mayor Medina
Trustee Schneider

NAY:
NONE

Mayor continued as I stated tonight Police Officer Michael Biagini has resigned so the Chief is requesting pending a background psychological test that we hire Matthew Clayton to the position of Police Officer at the two-year level salary of \$77,102.00

MOTION was made by Trustee Chichester to approve hiring Police Officer Matthew Clayton at a salary of \$77,102.00 effective December 1, 2020.

SECOND was made by Trustee Daly

AYE: Trustee Chichester
Trustee Daly
Deputy Mayor Medina
Trustee Schneider

NAY:
NONE

Deputy Mayor Medina asked how long does it take for that to happen, the actual background check?

Chief replied we got the psychological and he is going through the first portion and second portion Monday and I assume by mid next week we should have the entire background investigation. My Sergeants are working on it now.

ATTORNEY REPORT

Mayor stated the one thing that we do need to discuss in Executive Session is this Verizon Wireless Agreement. There has been several changes since we originally discussed it with the Board.

Attorney Darwin stated on 4 South Main – there was a continuation of the Foreclosure Settlement Conference before Judge John Levstrom. The owner did appear at this conference and the bank was going to provide her with a package for a short sale application and she was going to complete that package and get it back to the bank. The conference was continued to December 6, 2020, I believe. Whether or not any of that will actually happen or if it does whether the bank will have any indication if there was an application as to whether it is approvable or not. I guess we will find out on December 6, 2020. That is where we are now.

Trustee Chichester commented they understand that the Village wants that property correct?

Attorney Darwin replied they all understand, the bank, the primary lien holder knows that. I made that clear at the first Settlement Conference I participated in and that we had a contract that was still pending, Purchaser Sale Agreement, that we were prepared to go ahead with or purchase the property at a foreclosure sale or proceed with condemnation and that one way or another the Village will likely end up with that.

Trustee Chichester stated what I don't understand is that they are still going forth with all that you just explained. I don't get it.

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Attorney Darwin replied I don't really understand it either. It is hard to explain the rationale of a bank in a foreclosure proceeding. I know from my own experiences that short sale applications are torturous, and they can go on and on forever. It is not the bank's decision alone. There are investors – Sally Mae and Fannie Mae that have to approve it. The amount that is due in owing on the property now is far in excess of that fair market value of the house. I don't know what the bank thinks it is going to get. I don't have an explanation for you Bruce that is just the way it is.

Trustee Chichester asked with hearing that is it not time to go forth with our taking it?

Attorney Darwin replied that is a decision that the Board has to make.

Mayor stated I think the Board needs to have more of a discussion before we enter into a kind of a vote on that. That is my opinion. If anyone wants to make a motion you are free to do that.

Trustee Chichester replied I will wait.

Attorney Darwin replied the first light underground conduit I revised the proposed easement agreement and sent it back to the Attorney. She had sent an email back saying she received it and will review it and get back to us.

Mayor stated this is a company that wants to run a conduit from River Road at the end of Bailey Farm Road along the sidewalk up to Melody Lane and then cross over into Superior Packs Property and then go from there. Kyle and I have walked it and looked at it. It doesn't affect anything with the Village, but everything has been done properly that is why Dave is looking at it.

PUBLIC COMMENT –

Mr. Kelly – Oxford – you mentioned about hiring a Police Officer, but what about the vacancy in the DPW are we looking to replace that position?

Mayor replied yes, we are looking. There is a process that has to be gone through. I had to call for the list of Certified Water Operators that are eligible and then we have to send them letters. Letters have gone out and they have until November 16, 2020 in which to reply and then we can go forth interviewing at that point. Normally with the Police for a Full-Time Officer we would have to do the same thing and I did call for the list, but this Police Officer is a transfer so we don't have to go by the list in that case, which greatly speeds up the process.

Mr. Kelly replied I am just trying to get an understanding of how the process is working.

Mayor stated we can hire a Laborer, a Mechanical Equipment Operator without going to the list and the Water Operator is a competitive position which they take a test for. Now these people could have taken the test and not have their license. We won't know until we get their information back. It is a process and not an easy process.

Mr. Kelly replied you are looking for someone with a license.

Mayor stated and experience. Yes, that is the goal. In the meantime, we are down a Water Operator.

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

SECOND was made by Trustee Daly

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AYE: Trustee Chichester
Trustee Daly
Deputy Mayor Medina
Trustee Schneider

NAY:
NONE

Mayor stated thank you for coming and enjoy Veteran's Day and your Thanksgiving.

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 Chichester to adjourn Executive Session and return to Regular Meeting.

SECOND was made by Trustee Daly

ALL IN FAVOR

MOTION was made by Deputy Mayor Medina to adjourn Regular meeting at 9:42pm.

SECOND was made by Trustee Schneider

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk