

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
October 13, 2015
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7:15 P.M. – Audit of Monthly Bills
7:30 P.M. – REGULAR MEETING

ROLL CALL

Mayor Stephen Welle, Deputy Mayor Ed Shuart, Jr., Trustee Colleen Farrell, Trustee G. Bruce Chichester, Trustee Frank Borowski, Village Clerk Jane Leake, Police Chief Dan Henderson, DPW Superintendent John Mulligan & Village Attorney Ben Ostrer.

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

APPROVAL OF MINUTES

Mayor Welle asked if there were any changes or additions to the minutes 9/8/15 & 9/15/15 Board Meetings. There being none, the minutes were accepted as written.

MOTION was made by Trustee Shuart to accept the Village Board Minutes of 9/8/15 & 9/15/15.

SECOND was made by Trustee Chichester.

AYE: Trustee Shuart **NAY:**
 Trustee Farrell NONE
 Trustee Chichester
 Trustee Borowski

INFORMATIONAL ITEMS:

- Bills were audited:
 - 2015/2016**
 - \$ 122,605.27 General Fund
 - \$ 139,713.87 Water Fund
 - \$ 2,717.17 Trust & Agency

- Upcoming Meeting Dates:
 - o ZONING BOARD OF APPEALS MEETING: November 4, 2015
 - o PLANNING BOARD MEETING: October 19, 2015 & November 16, 2015
 - o VILLAGE BOARD MEETING: November 10, 2015

- I am happy to announce that through Senator Larkin's Office I was able to secure a \$75,000 Grant for purchasing DPW equipment. It will be a few months before we can actually be able to spend the money. The DPW is looking to replace one of the road mowers we had. That will go a long way and very much appreciated.

- We have a copy of Resolution # 178 of 2015 from the Orange County Legislature. This was the resolution where they agreed to hire outside counsel to fight the Kiryas Joel Annexation and joined in with the other eight Municipalities that have already formed a Coalition to do so.

- DOT regarding the Route 17 bridge graffiti – after they have been promising for the last few months they now say it is the Railroads issue. Therefore, they won't touch the bridge. We are still working on it.

- DPW Superintendent John Mulligan and I met several times with Consultants for the Village regarding different issues with the water and the water main project.

- We attended several meetings regarding the KJ Annexation with the other Communities.

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- The Deputy Mayor and I attended a Physical Services Committee Meeting of Orange County Legislature regarding the Sewer District and there are a lot of Legislators that really don't have a clue to what goes on with this Sewer Plant.
- The Deputy Mayor, Trustee Chichester and I attended two Legislature Meetings regarding the KJ Annexation.
- The Chief and I attended a CAER Meeting at the Monroe Woodbury Central School District.
- Deputy Mayor and I attended the Orange County Associations of Towns, Villages & Cities in Greenwood Lake. The President of O&R was there talking about some of the things they are doing and what they are up against. Also, the County Executive was there which he gave an overview of the Budget and it was the night before he presented it to the public.
- John & I have been attending the County Hazard Mitigation meetings.
- The Brush Policy has been working out, but unfortunately due to the Water Main Project there will be delays in picking up brush. It won't be necessarily every Monday, but we will get to it. We ask that you put it out curbside on your property, butt end out.
- We received a letter last month from a resident of Harriman commending DPW Superintendent for his assistance in helping her with a water issue she had.

Judy Singh read:

Mayor Steven Welle,
Deputy Mayor Ed Shuart
Harriman Board of Trustees,

It is with profound gratitude that I write you this note. On the evening of September 1st, due to the severity of some issues arising from the installation of my water heater, it became apparent that I was in need of some help from the DPW. I approached Mr. Shuart and without any hesitation and with much concern, he promptly contacted the Mayor, who in return was able to reach Mr. Mulligan, our new head of the DPW. Though it may have taken some time to resolve the issue, I cannot begin to tell each and every one of you how grateful I was for the help that was extended to me. Mr. Mulligan showed up at my home within minutes after the call was made to him, not withstand the fact that he was off duty. The concern he showed, the attention and effort this gentleman put into what was needed to correct the problem was second to none! On more than one occasion before leaving my home Mr. Mulligan insisted that I let him know if I had any concerns, a characteristic of someone who truly cares about others. In my humble opinion, here stands someone who is definitely worthy of being the head of the DPW. I would also like to say a special thank you to Mr. Shuart as well for going out of his way for helping me. Thank you again, Mr. Mulligan.

- The Harriman Center had an evacuation drill here at the Village Hall and they will be using the Village Hall as a gathering place for a shelter when there are issues.
- October 24th from Noon to 3pm there is a free pet vaccination clinic at the Newburgh Multi-Activity Center at 401 Washington Street. Pre-registration is recommended. Anyone interested we have the telephone number here at the Village Hall.

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- The Chief of the Police Department has started a program called Operation Reassurance.

Dan Henderson stated it is for any elderly individual that are in need or concerned about maybe there welfare or have some illnesses or live alone. We will have them call the Police Department Dispatch every day and if they don't reach the Dispatcher or the Police Department then we put a call back and check on them. Maybe they forgot or maybe they are out and if we still can't reach them then we will send patrol out to the residence to make sure they are okay. It is mostly for the elderly or someone who needs assistance that lives by themselves.

Trustee Farrell asked that it would be for elderly or anyone who is ill?

Chief Henderson replied senior citizens and people with disabilities.

DEPARTMENT REPORTS:

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report. They took in \$15.00 in funds.

Water Account Adjustments – see attached report

Building Department – see attached report

\$ 520.00 Building Permits

\$ 200.00 Certificate of Compliance

\$ 150.00 Certificate of Occupancy

CORRECTION OF MINUTES of AUGUST 11, 2015

Mayor stated there was a motion to move \$5,000 from the Contingent to the Judgement in claims contractual line and somehow there is an extra 0 in the minutes that shows \$50,000. Rest assure, only \$5,000 was transferred.

MOTION was made by Trustee Shuart to correct the August 11, 2015 Minutes.

SECOND was made by Trustee Chichester.

AYE: Trustee Shuart

NAY:

Trustee Farrell

NONE

Trustee Chichester

Trustee Borowski

PARK REQUEST

Mayor stated some park requests came in since the last meeting and they were all prior to tonight's meeting. There was a couple with issues of their ending times in which they were advised on what the ending time was.

Schwenker – October 11, 2015 from 10am – 5pm.

Monzur Khan – October 4, 2015 from 11am – 8pm

Garcia – October 10, 2015 from 2pm – 8pm or dusk

MOTION was made by Trustee Chichester to approve all Park Requests.

SECOND was made by Trustee Farrell.

AYE: Trustee Chichester

NAY: -0-

Trustee Farrell

Trustee Shuart

Trustee Borowski

BUILDING INSPECTORS LETTER

The Mayor stated we received a letter from the Building Inspector on September 24, 2015 inform us that he will be retiring from his position effective Friday, October 9, 2015 in accordance with the Village Handbook the letter serves as the required two week notice.

MOTION was made by Trustee Shuart to accept the Building Inspectors Resignation.

SECOND was made by Trustee Farrell.

AYE: Trustee Chichester **NAY:** -0-
Trustee Farrell
Trustee Shuart
Trustee Borowski

The Mayor stated Mr. Walker was asked if he can be here this evening and he said he will not be able to attend. So this past Friday I presented him with a plaque from the Village Board. In his absence I will need authorization to negotiate an Agreement for Temporary Assistance for the Building Inspector functions with a surrounding Municipality.

MOTION was made by Trustee Chichester to negotiate an Agreement for Temporary Assistance for the Building Inspector functions with a surrounding Municipality.

SECOND was made by Trustee Borowski.

AYE: Trustee Chichester **NAY:** -0-
Trustee Farrell
Trustee Shuart
Trustee Borowski

\$300,000 BOND ANTICIPATION NOTE

The Mayor stated the \$300,000 Bond anticipation note with a sale date of September 10, 2015. The interest rate we got was 1.194%. That was the lowest rate and that was accepted and part of the original motion to go for this Bond. The bidder was Roosevelt and Cross. It has a maturity date of September 22, 2016.

WATER SHUT-OFFS

The Mayor stated notices have been sent out. We need Board authorization per Village Code to shut water off on the remaining outstanding accounts on Thursday at Noon.

MOTION was made by Trustee Chichester to authorize water shut offs on the remaining outstanding accounts on Thursday at Noon.

SECOND was made by Trustee Borowski.

AYE: Trustee Chichester **NAY:** -0-
Trustee Farrell
Trustee Shuart
Trustee Borowski

WATER RESTRICTIONS

The Mayor stated this past Thursday, October 8, 2015 the water restrictions were lifted. We request that everyone still continue to conserve water.

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CHIEF REQUEST

The Mayor stated we have a request from the Police Chief to attend the 2015 Intelligence Summit. The total cost is a little over \$100 plus mileage reimbursement.

MOTION was made by Trustee Chichester to authorization for the Police Chief to attend the 2015 Intelligence Summit.

SECOND was made by Trustee Borowski.

AYE: Trustee Chichester **NAY:** -0-
Trustee Farrell
Trustee Shuart
Trustee Borowski

CODE UPDATE

The Mayor stated we need to set a Public Hearing for November 10th at 7:15pm.

MOTION was made by Trustee Chichester to schedule the Code Update Public Hearing for November 10th at 7:15pm.

SECOND was made by Trustee Shuart.

AYE: Trustee Chichester **NAY:** -0-
Trustee Farrell
Trustee Shuart
Trustee Borowski

HALLOWEEN CURFEW

The Mayor stated Halloween is coming up and in accordance with Section 92-3 of the Village Code the hours of restrictive activity are during the evening hours of October 30 & 31 from 8pm – 6am and ending on November 1st at 6am. It should be unlawful for any minor to remain idle, wander, stroll or play in any Public place on either foot or cruising about without any set destination in any vehicle. If you are accompanied by an adult or guardian or someone who is coming home or going to work there are exceptions to that. We ask that people abide by that.

WATER ACCOUNT 8160

The Mayor stated the Village Clerk has asked if the penalty be removed from Account 8160 due to the fact that the bill had been paid, but was not entered into the system.

MOTION was made by Trustee Shuart to authorize removal of penalty on Water Account 8160.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester **NAY:** -0-
Trustee Farrell
Trustee Shuart
Trustee Borowski

RESOLUTION - HIGHWAY ITEMS 3 & 4

The Mayor stated that the Town of Monroe Town Board exempts property owners in the Village of Harriman from paying Highway Sections 3 & 4 on their tax bill as we don't benefit from the Town of Monroe Highway Department. It has been the history in Woodbury that Woodbury does not tax Harriman residences who live on the Woodbury side for Highway exemption 3 & 4. They never have and as of this January they wouldn't be able to if they wanted to since they will become a Village Department

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of Public Works. The Town of Monroe sees it as easy money and they continue to tax those of us on the Monroe side so every year we send this: (Mayor read the following)

STATE OF NEW YORK: TOWN OF MONROE

IN THE MATTER OF THE PETITION

OF THE MAYOR AND BOARD OF TRUSTEES

ON BEHALF OF THE PROPERTY OWNERS OF

THE VILLAGE OF HARRIMAN REQUESTING

THE TOWN BOARD OF THE TOWN OF

MONROE TO EXEMPT ALL PROPERTIES IN

THE VILLAGE OF HARRIMAN FROM THE

LEVY AND COLLECTION OF TAXES FOR

ITEMS 3 AND 4 OF THE TOWN HIGHWAY

BUDGET AS AUTHORIZED BY SECTION 277

OF THE HIGHWAY LAW.

TO THE HONORABLE SUPERVISOR AND MEMBERS OF THE TOWN BOARD OF THE TOWN OF MONROE:

The petition of the Mayor and Board of Trustees of the Village of Harriman respectfully shows and states:

1. That the Village of Harriman is within the Town of Monroe
2. That the Town of Monroe annually levies and collects taxes against real property within the Village of Harriman to pay for items provided for by Subdivision 3 and 4 of Section 141 of Highway Law.
3. That taxes levied and collected against real property within the Village of Harriman for Subdivision 3 of Section 141 of the Highway Law are used for the purchase, repair and custody of highway machinery, tools and implements used on Town highways, which highways are located outside the Village limits.
4. The taxes levied and collected against real property within the Village of Harriman for Subdivision 4 of Section 141 of the Highway Law are used for the removal of snow, the cutting of brush and other miscellaneous items relating to the Town highways outside of the Village limits.
5. That the Village Law provides that the Village of Harriman shall be responsible for the maintenance of Village streets and for the removal of snow and the cutting of brush and other miscellaneous items relating to Village streets.
6. That the Legislature of the State of New York has provided by law a procedure whereby a Town Board may exempt real property owners in villages from taxes levied by towns for items 3 and 4 of the Town Highway Budget.

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7. That such authority to exempt real property owners in villages from such Town highway taxes was granted to Town Boards by the State Legislature in recognition of the unjust double burden of taxation paid by Village real property owners for the maintenance of highways.

8. That on information and belief, none of the money levied for the removal of snow from the Town highways by the Town government has been used for the removal of snow from Village streets.

9. That on information and belief, none of the highway machinery and equipment purchased and maintained by the Town from taxes levied pursuant to the provision of the Highway Law has been used for work on Village streets, but such machinery and equipment is used exclusively on Town streets outside the Village.

10. That the reason of the premises herein set forth and alleged, taxes are twice levied and collected against property in the Village of Harriman for highway machinery and equipment for snow removal and for brush removal and the Village real property owners receive only benefits from those taxes levied and collected by the Village of Harriman and receive no benefit from taxes collected by the Town of Monroe.

11. WHEREFORE, the petitioners request that pursuant to the provisions of Section 277 of the Highway Law, the Town Board of the Town of Monroe exempt ALL property within the Village of Harriman from the levy and collection of taxes levied in such town provided for the Subdivision 3 and 4 of Section 141 of the Town Law beginning with the fiscal year commencing January 1, 2016.

MAYOR AND BOARD OF TRUSTEES, VILLAGE OF HARRIMAN

Trustee Chichester stated I have been supporting this since the 1990's and I would gladly make a motion to adopt this this year.

MOTION was made by Trustee Chichester to adopt the Highway Items 3 & 4 Resolution.

SECOND was made by Trustee Shuart.

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

Trustee Farrell
Trustee Shuart
Trustee Borowski

ATTORNEY'S REPORT

Attorney Ostrer stated:

- The Code Update – Dave reports that it will be completed well in advance of the Public Hearing that has now been scheduled.
- The Storm Water Agreement with Superior Pack should be done in the very near future with a couple of things to iron out.
- Regarding the Mercedes issue there has been some response from Mr. Lithco so we may get somewhere on that to where we will have a draft for the next meeting
- I believe you and Dave were at several meetings relating to the Kiryas Joel Litigation.

Mayor replied yes and asked if there was anything on the Woodbury Water District?

Attorney Ostrer replied no.

The Mayor stated one of the issues we have had involves vacant property and police being informed that doors are open. What do we do when we don't have any contact information? What are our options and liabilities?

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Attorney Ostrer asked in terms of what?

Mayor replied in people getting in and doing damage.

Attorney Ostrer replied we are certainly not liable for damage sustained on private property by other private individuals. We would only be potentially liable if we were the actor or some agent of the Village or somehow involved. However, to the extent that it creates a nuisance for a next door neighbor or a next door neighbor reports something. We did have this situation around six or seven years ago where we actually declared the property to be derelict and we finally got some action. We had a property that was overgrown and it was nice when there were just a few squirrels there, but then we had other rodents and things that began to hang out and invade the rest of the neighborhood. If it is an open door or broken door certainly the Police can take such steps as they need to secure it without a warrant. If there is damage to the house or it is becoming an issue in terms of the neighborhood we would have to notice it as a derelict property and then we can take further action. Almost all of the cost we incur we can re-levy on the property.

PUBLIC COMMENT

Greg Esparo – I would like to thank the Board for taking a bull by the horns and the DPW in fixing the road problem that has been going on. Thank you very much.

Mayor replied it is a drainage system that is in long and need of repair and I appreciate your patience with it.

Elsie Ramos – Kensington Way – I have two things; one I would like to thank Mr. Mulligan for quickly responding to my pothole situation that has been going on since the last time our road has been repaved by the previous DPW. He never came back to take care of the pothole situation. So thank you so much for taking care of that. Secondly, we live in that big beautiful circle of Kensington Way where we have a giant grassy area. I have a question regarding what are our options or even if I even have any. We have a group of teenagers/young men who come to play football there. They don't live on the block. I don't know where they live. Actually, most of them do not live in Harriman or within that Development. They drive through there very bad and very fast. They don't stop for the STOP sign. I had to walk over a few weeks ago because I saw the second car that came through there whipped around that corner with my child standing at the edge of my driveway. My husband was in the street talking to another neighbor and another one of my neighbors was outside and she actually threw a water bottle at him. So I walked over and kindly asked him to please in the future drive very slow. It is not the first time I have asked him this. They don't come on a set schedule per say. So it is not like I can tell the Police Department every Monday and Thursday they are here. I don't know what our options are and if they can be stopped from playing there. I know it is public property and I know at one point one of our neighbors had mulch delivered and he had spoken to someone who gave him permission, but he didn't have it written so the kind neighbor on the corner who abandoned his home had called the Police on him. They had to have him remove it because it is private property so I just don't know what our options are in that situation.

Trustee Chichester asked you didn't get one of their license plates did you?

Ms. Ramos replied I have a picture of one of their license plate number at home.

Chief Henderson stated if you do see that situation again, as soon as you see it and their there give us a call and I will make sure my guys will respond out there and we will have a talk with them and if they don't belong in that Development they shouldn't be there. We will just ask them to go and find another place to play, especially if they are causing a disturbance.

Ms. Ramos commented between the language they use and the garbage they are leaving behind.

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Chief Henderson replied we will make sure they leave and they could find another place to play that is not an issue.

Mayor Welle stated it is a Village green area in the middle of a Development.

Attorney Ostrer stated you can put up signage and regulate it saying no ball playing, skateboarding – whatever you want. You can post signage and once that is the case people are going to notice and Police can issue trust passing tickets if people are there improperly and have a little more enforcement. Otherwise, a public area anybody can do.

Mayor Welle commented it is not really a park it is just a grass area.

Chief Henderson stated just that they are causing a disturbance in the neighborhood we will ask them to leave and find another place to go. I will also put a notice out to the guys just to make sure they monitor it. Is it at night time usually?

Ms. Ramos replied I will say they usually come around 4:45 – 6:30ish.

Mayor Welle stated don't hesitate to call the Police or call here and we can go further if it continues.

Ms. Ramos commented we have been saying it for a while and it is one of those things that it has been going on and we talk and say there is not much you can do, but I told my husband after this last incident what are we going to wait for – for one of the kids to get hurt. They used to play on one side of the circle, now they spread out. It has come to the point that when we come home we have about 5 or 6 cars parked in the circle area where they don't live there and I don't let them (her children) go out and play in front, backyard only.

Mayor Welle stated let's see if we can straighten it out this way before we start putting up signs, if we don't have to.

Chief Henderson replied I think after a couple of times of us telling them to find another place to go that should settle it.

A **MOTION** was made by Trustee Chichester to enter into Executive Session for litigation and personnel issue and **SECONDED** by Trustee Shuart.

ALL IN FAVOR.

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

Executive Session with Ben Ostrer, Esq. and DPW Superintendent John Mulligan.

MOTION was made by Farrell to adjourn Executive Session and return to Regular Session.

SECOND was made by Trustee Chichester.

ALL IN FAVOR.

A **MOTION** was made by Trustee Borowski and **SECONDED** by Trustee Farrell to adjourn the meeting at 9:35 p.m.

ALL IN FAVOR.

Respectfully submitted by: _____

Jane Leake, Village Clerk