

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
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6:45pm – Audit Bills

7:15pm – Public Hearing – Local Law #6

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 # 6 of 2018 amending and revising various sections of the Code of the Village of Harriman pursuant to Sections 10 and 20 of the Municipal Home Rule Law at the Harriman Village Hall **at its new, temporary location at 12 Church Street, Harriman, New York (formerly the Harriman School)** on October 9, 2018 at 7:15 p.m. or as soon thereafter as the matter may be heard.

The purpose of this local law is to amend and update the following sections of the Village Code: Chapter 14 – Zoning, including additions and amendments to § 140-4 (Definitions); Article VI (§§ 140-37 - 140-41, Planned Unit Developments); Schedule of District Regulations, Parts 3, 4 and 6, relating to PAD, B-1 and B-2 zoning tables; and deleting § 140-13(e) (Accessory Buildings/Garages). 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 have we received any letters?

Clerk replied no we have not.

Mayor stated regarding the draft of Local Law #6 the only change that has been made since this addition went out is under Section 1 Purpose and Intent Letter C Zoning Tables – the last sentence on page one will not state also motor vehicle sales has been expanded to allow the sales of new motorcycles, boats or RV's in the B-2 District. That is to clarify what was originally stated. One other thing that was picked up is on page 8 under roman numeral 6 it says in column 4 special permitted uses subject to authorization and site plan approval by the Planning Board, no. 4 D (automobile car washes) is actually 6 F. It will be revised to be separate on No. 5 but instead of 4D it should have said 6F. There have been no other changes to this revision.

Howard Geneslaw – representing the Gardens at Harriman Station

I would just like to indicate that we looked at the last version and we appreciate all the efforts that the Village Board and Planning Board have gone through. There is nothing further we would like to comment on at this time. We did see the Planning Boards comments and attended that meeting where those comments were generated. We are supportive of their comments as well and we would urge you to ultimately approve this once the County issued there 239 report and are authorized to take action.

Mayor stated my only other comment is that I appreciate all the work that the Planning Board and Kristen O'Donnell and Building Inspector, John Hager have put into this to clarify and rectify what we did have on the books.

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Motion to close the Public Hearing was made by Trustee Chichester and Second by Trustee Borowski.
ALL IN FAVOR

REGULAR MEETING

ROLL CALL

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

The Mayor asked everyone to stand for the Pledge of Allegiance

APPROVAL OF MINUTES

Mayor asked if there were any changes or corrections to the minutes of September 11, 2018 Regular Board Meeting.

MOTION was made by Trustee Farrell to accept the minutes of September 11, 2018 Regular Board Meeting.

SECOND was made by Trustee Daly

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

INFORMATIONAL ITEMS:

This evening's bills were audited:

Trust & Agency	\$ 1,061.52
General Fund	\$ 163,767.93
Water Fund	\$ 41,491.22

Upcoming Meeting Dates:

ZBA – November 7
Planning Board – October 15, 2018
Village Board – November 13, 2018

- A couple of weeks ago we had Family Fun Day. We had a very good crowd. A lot of participation. I want to thank the committee who did a fantastic job arranging it, all the volunteers and organizations that helped out in it. Probably 99% of the people that came through the park that day had an excellent time. There was one complaint on social media having to do with handicap parking. The committee agreed that the ice cream truck was parked in one of the handicap parking spots by the entrance to the playground, this was for the safety of the children. Several people questioned where they can park for handicap parking and they were directed to other spots that were actually closer to the ballfield than the existing handicap spots. Apparently this one person after briefly asking someone about a handicap spot drove away. There were no less than 10 police officers there at any given time and none of them were asked anything. It is unfortunate this person had an issue with it, but we did everything we could do to keep everyone safe and not stop ball games from going on and everything else. That was the one unfortunate incident of the day.
- Mary Harriman Park Field #1 it has been brought to my attention a safety concern. So, the field has been closed until further notice. Little League has been notified. They are the ones it effects the most, so I am waiting to hear back to see if they are willing to contribute some money to alleviate the safety concern, but until such time the field will remain closed.

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- I attended the Orange County Association of Towns, Villages and Cities meeting. The County Executive discussed the upcoming County budget. Supposedly the tax rate will remain close to what it is, that depends on what Town you live in due to the equalization rates. They also discussed the out of hour arraignments and the new process we are going to have to follow. It is still semi up in the air, but at the end of the day it is another unfunded mandate from the State as it will cost us more money. We still don't know how they are actually going to handle them, but we are pretty much guaranteed it will cost us more.
- Assemblyman Skoufis announced that he has secured the \$250,000.00 grant for the Village to help with the new facility. We are still working with the Architect for alternatives to the original plans and hope that shortly we will be able to rebid the project and also thanks to Assemblyman Skoufis for getting us the grant it will help out tremendously.
- Brush pick up will continue once a week. We ask that you put your brush butt end out at the edge of your property, not in the street.
- Leaf pick up will be starting this week. Leaves must be loose, not bagged. We do not pick up bagged leaves. We ask that they be left at the side of your property not in the street as they wind up in catch basins when it rains. Pile them up at the edge of your property.
- The Annexation Petition of RD Management to annex into either the Village of Woodbury or the Village of Harriman has been withdrawn by the applicant.
- ADDITION
11d) Water Account - 519
- Orange County Household Hazardous Waste and Operation Safe Script Pharmaceutical Collection Event will take place Saturday, November 3, 2018 9- 3pm at the Delano Hitch Recreation Center in Newburgh. Anyone needing anymore information go on the County Website or we will have it here at Village Hall.
- The Town of Monroe will be hosting a Computer and Electronics Recycling day and it is opened to all Town of Monroe residents. It will be Friday November 2 from 10-2pm and Saturday, November 3 9-2pm and it will take place at the Town Hall, 1465 Orange Turnpike.

DEPARTMENT REPORTS

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report - \$15.00 Funds

Water Account Adjustments – see attached report

Court Reports – see attached reports

	Court took in	Remained with Village
July	7,562.00	4,300.00
August	17,563.00	9,970.00

Building Department – see attached report

\$ 90.00 Building Permit

\$ 100.00 Violation Search

\$ 190.00 Total

LOCAL LAW #6

Mayor stated the public hearing was held this evening. There were no written comments. There was one verbal comment. We have not received the 239 Review back from Orange County, therefore we can not take any action and we can not do the SEQR tonight.

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Attorney commented I would wait until you get the County Comments in case any changes need to be made which might possibly require change in the EAF,

Mayor continued this will be on the agenda for the November meeting.

BID AWARD SURPLUS EQUIPMENT

Mayor stated the Village Board surplused 9' Fisher Minute Mount Plow. The high bid on Auction International came in as \$2,025.00.

MOTION was made by Trustee Farrell to accept the bid offer of \$2,025.00

SECOND was made by Trustee Chichester

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Borowski	

PARK REQUESTS

Restrepo – October 13, 2018

MOTION was made by Trustee Daly to approve the park request.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Borowski	

Doyle – October 21, 2018

MOTION was made by Trustee Farrell to approve the park request.

SECOND was made by Trustee Daly

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Borowski	

PUBLIC SECTOR HR CONSULTANTS – POLICY UPDATE

Mayor stated about a week and a half ago Public Sector HR who does a lot of the Human Resources work for the Village notified me that NYS 2019 Budget also reacted a requirement that all New York State Employers adopt a written Sexual Harassment Policy that meets or exceeds minimal standards developed by the New York Department of Labor. What you have before you is the new policy on Non-Discrimination and Harassment including Sexual Harassment in the Workplace.

MOTION was made by Trustee Daly to approve the Non-Discrimination and Harassment (including Sexual Harassment) Policy.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell	NAY:
Trustee Chichester	NONE
Trustee Daly	
Trustee Borowski	

Mayor continued one thing the State did change is they are giving until next October 9, 2019 to have the training on it. The guidelines of which have not come out yet. Once we have guidelines on that we will set up training. As soon as possible everyone will have a copy of this in their hands.

2 MAPLE AVENUE

Mayor asked have we gotten further with the bank.

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Attorney replied the bank is located in Texas – it is a Texas Corporation. It is very difficult getting a human on the other end. I have had conversations with a couple of folks. I got in touch with the Law Department and someone was going to get back to me and no one has. If they don't get back I think we can bring a proceeding and serve them. I believe we could obtain jurisdiction over them because they transact business in New York and it involves real property located in New York and we can serve them with process by serving the Texas Secretary of State. I think that will be the next step. If I don't hear from someone in their Law Department who is willing to talk to me about the issue and how the bank wants to approach it. That way the Orange County Court will require jurisdiction over the Corporation. If they appear, they appear. If they don't at least they had due process and they have been put on notice.

Mayor asked how much longer do you want to give the bank Law Department?

Attorney replied to the end of this week.

Mayor asked do you need anything else from us to proceed further?

Attorney replied probably an affidavit to accompany the petition/action whichever form we bring it in. I have most of the documents we would need. If I am missing something I will get in touch with you or John.

HERITAGE TRAIL ACCESS AND PARKING

Mayor asked did you hear any more?

Attorney replied the Attorney from Superior Pack is waiting for some information from the bank. Basically, we haven't moved much further along with Superior Pack then we did last month. As far as we are concerned we are in agreement on all the language in all three of the documents. We are still waiting for Superior Pack.

WATER ACCOUNT REQUESTS

Account 847 – Penalty Waivers

Mayor disclosed whom the account was being in the past the Village has always granted the Harriman Engine Company #1 in the past to charge them for only the water usage being they are a Volunteer Organization within the Village.

MOTION was made by Trustee Chichester to approve waiving the penalties and charging them as we have done in the past and for the Mayor to send an email that they have to comply next year with a letter in advance, so they can be billed properly. Including the request to be on the Fire Department stationary.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

Deputy Farrell stated I know we have always done this in the past and I think we are always supportive, but we didn't get a request this year., so I am going to ask that we get something on the stationary of the Fire Department with the request not an email and signed by one of the Officers because we need it for Auditing purposes.

Account 726 – Penalty Waivers

MOTION was made by Trustee Daly to approve a one-time penalty waiver on account 726.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

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Account 102 – Penalty Waivers

MOTION was made by Trustee Borowski to approve a one-time penalty waiver on account 102.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

Account 519 – Penalty Waivers

MOTION was made by Trustee Chichester to approve a one-time penalty waiver on account 519.

SECOND was made by Trustee Borowski

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

WATER SHUT-OFF'S

Mayor stated shut offs from the Village Clerk.

MOTION was made by Trustee Chichester to approve water shut offs.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

EDMUNDS & ASSOCIATES – 2019 SOFTWARE MAINTENANCE

Mayor stated as we did last year with Edmunds & Associates this is for the software agreement we signed when we purchased the software. Every year they want the Agreement re-signed with the amount for the maintenance.

MOTION was made by Trustee Daly to approve the Edmunds & Associates 2019 Agreement.

SECOND was made by Trustee Chichester

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

TRAINING REQUEST

Mayor stated we received a training request from the Village Treasurer to attend a Retirement Education Seminar on October 26 in Pomona with the only expense is travel expenses

MOTION was made by Trustee Daly to approve the Treasurers Retirement Education Seminar Request.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

BUGET TRANSER

Mayor stated the Treasurer is requesting that \$5,000 from the Contingent to Judgement and Claims.

MOTION was made by Trustee Chichester to approve the Treasurers Budget Transfer request.

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

ATTORNEY REPORT

Mayor stated we received a request for someone to park a food truck on the Village property. My assumption is this is something we cannot do; besides it is on Village Hall property which will be under construction soon.

Attorney Darwin replied you don't have to do it. If you wanted to there might be away, but I would advise against it for a variety of reasons. Liability issues and also establishing a precedence starting to have vendors asking to do business on Village property.

LACK OF MOTION – Not Approved

Mayor stated the request from Verizon Wireless regarding the pole they were waiting for the Board to approve that prior to changing the agreement for you to look at.

Attorney replied the revised agreement that she sent over to me doesn't mention anything about the placement of a pole. It still refers to installation of equipment on the water tower. If you wanted to approve perceptually the idea of the change from the water tower to a pole subject to negotiate of a contract and approval by the County Attorney has to form of substance. Also, I think SEQR would have to be done before it was formally approved. I don't know if you want the Village Engineer take a look at the drawings they sent over as well. So, there are a few things that are left to be done before we can approve what they are proposing other than conceptually.

Mayor stated I guess the question is, is the Board willing to consider this. To have a pole set there and have the equipment mounted on the pole as oppose to having it mounted on the water tank itself. If the Board is willing to entertain it we can have them move forward with whatever information they were going to provide as location, etc. and go from there with the Water Superintendent and the Engineer would have to agree to the location prior to anything being done.

Trustees are all in agreement that they would like to see the location and some kind of visual. To see what kind of liability it could be and not be an eyesore either.

Mayor stated so the Board is willing to move forward in terms of just entertaining it to get the information from them. I will advise them of such.

PUBLIC COMMENT –

Karen Jantz – 53 Brookside Drive West - I have two questions

We are not getting our water bill and from what we are hearing from everyone around is that this is a problem that's happened. We keep getting the late notices that we are going to be turned off and we are new, so we thought that maybe it was a problem just for the first time, but we are not hearing that. We even heard from the Post Master that you were going to turn him off. Is anyone looking to make sure that these are all going out? Is there anything in place that the Village has to make sure the people are getting their water bill because we have no other bills that aren't getting paid but our water bills.

Mayor replied the water bills are going out, account is verified on them to assure that they are all being printed and going out. We have people all over complaining about it and several were complaining about other bills that don't come from the Village that they are not getting. On all the bills it states that they go out February, May, August and November 1st.

Ms. Jantz responded we never even received a bill. We still haven't received a bill except now.

Mayor stated you can receive them by email if you prefer, you just have to request it from the Village Clerk. Other thing you can do is mark your calendar for those four months. If you don't get one call here and we will make sure you get one. They are going out and we have verified it.

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Trustee Chichester asked have you asked the Post Office also?

Ms. Jantz replied yes, we have, they told us you were going to shut off the landlord in that building.

Trustee Chichester stated what does that have to do with them sending your mail.

Ms. Jantz replied they said they didn't get their bill. I am just trying to say that I am not the only and I have no delinquent accounts in my name for any of my bills. We have enough income, so the water bill is not an issue for us but getting it has been.

Trustee Chichester stated it is frustrating for this Board to have bills that we think are going out and not being delivered.

Ms. Jantz replied I'm sure it is. Not everyone coming in here and asking it to have it waived is doing so. We are doing it out of frustration. I don't really need to be standing here after working in Manhattan all day to come home to a meeting to tell me about my mail, but when we heard from a lot of people we thought maybe there is an issue that they are not all printing out, maybe new people aren't getting it the first cycle. Whatever it is we just brought it to your attention because it is a problem and it is not just us saying it.

Mayor stated there have been occasions where newer people have not gotten them the first time because they have not notified us that the name has changed on the account, so it will go addressed to the previous owner and then the Post Office forwards it because they have left a forwarding address. If we don't know that someone has moved in or that there is a change of person living there we have no idea and whether he forwards it back or throws it out, we have no control over that.

Ms. Jantz replied this is our second time which is why we went to the Post Office and we came in to talk about it because we are not trying to avoid the bill but when we are not getting it and we are new and never received a bill it makes it difficult to pay it. The other thing is we been contacting the Police Department and Building Inspector. We have a neighbor that does not mow their lawn. Pours Raid or something on it to kill all the grass. All of this water is running off into all of our properties killing my grass and I am told there is nothing the Board can do about that. That we don't have anything on the books so that there is a quality of life issue. Where I have no lawn in certain spots and I am told you don't even have to mow it, so everyone in this Village can just not mow their lawn because that is kind of concerning because that is what we were told. So, I just wanted to verify that here. You have no ordinance over any homeowner who refuses to remove their tree, brush or that type of thing.

Mayor replied there are ordinances. I would have to look into this to find out exactly what the complaint was and exactly what the issue is with it.

Ms. Jantz commented we took her to Court the first time and then the second time that it is not the Village's responsibility. We had people say to us on the block what is going on and I say we are just not going to mow our lawn because if this is the way we are going to live then we are going to bring attention to it by making people drive by and say are you going to mow your lawn because we are living with a jungle out back and it is awful. At one point because we were in Townhouses there was no egress from my building at all. No egress to the right side of my property to get out in case of a fire and half of the lawn has been cleared but the other half hasn't by Court Order. I am a little concerned why the Village was responsible in the beginning and now doesn't want to take the responsibility. I never lived in a Village where that happened. In Warwick if your lawn is not mowed they are coming out.

Mayor replied I will look into it.

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

SECOND was made by Trustee Farrell

AYE: Trustee Farrell
Trustee Chichester
Trustee Daly
Trustee Borowski

NAY:
NONE

Executive Session with Village Clerk, Jane Leake and David Darwin, Esq.

At this time the Village Clerk was excused from the meeting.

The following was given by Mayor Welle:

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

SECOND was made by Trustee Daly

ALL IN FAVOR

MOTION was made by Trustee Chichester to adjourn Regular meeting at 9:10pm.

SECOND was made by Trustee Borowski

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk