

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
September 13, 2016
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7:00pm – Audit Bills

7:30pm – REGULAR MEETING

Regular Meeting:

ROLL CALL

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

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

The Mayor asked everyone to remain standing for a moment of silence in memory of all of those who were killed by the terrorist 15 years ago.

APPROVAL OF MINUTES

Mayor Welle asked if there were any changes or additions to the minute of 08/09/16.

MOTION was made by Trustee Farrell to accept the minutes of 08/09/16 Village Board Meeting.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell

Trustee Chichester

Trustee Borowski

Trustee Daly

NAY:

NONE

INFORMATIONAL ITEMS:

- This evenings bills were audited:

Trust & Agency \$ 4,398.49

General Fund \$133,146.12

Water Fund \$155,988.76

- Upcoming Meeting Dates:

The scheduled Village Board Meeting in October is the 11th, which is the first evening of Yom Kippur and the November meeting is scheduled for November 8th which is Election Day. I am making a recommendation to move the October meeting to the 18th and November to the 15th, which will be the third Tuesday's.

MOTION was made by Trustee Chichester to approve the Village Board Meetings changed to October 18th and November 15th.

SECOND was made by Trustee Farrell.

AYE: Trustee Farrell

Trustee Chichester

Trustee Borowski

Trustee Daly

NAY:

NONE

Zoning Board of Appeals Meeting – October 5th

Planning Board – September 19th & October 17th

- We received several complaints recently on the burning pits, which are designed for certain things that people seem to think they can burn whatever they want in them regardless on how it effects their neighbors. The Building Inspector has provided me with a few links to the DEC and different regulations. I will speak with the Village Attorney in regards of looking into this

Attorney Dave Darwin arrived.

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And what we can do to regulate them. Especially being in the Village the houses are a lot closer than a rural area/town which they may not be of the same nature. We also have some issues with fireplaces.

- There was a Public Hearing schedules for this evening which was cancelled, as there was not enough time to have all the paperwork done and be reviewed. Hopefully, we will reschedule it this evening for the next Board Meeting.
- The Code 59 Report which needed to be filed due to the Worker's Comp. claims has been filed and the firm that came in to review everything had no recommendations for the Village other than to continue as we have been.
- The Town of Monroe is having a shredding and computer and electronics recycling day on Friday, September 30th from 11 – 2pm (shredding 12-1pm, 3-4 boxes per resident) and Saturday, October 1st from 9 – 1pm (shredding 9-12pm, 3-4 boxes per resident) for residents only, no businesses at the Town Hall location on Orange Turnpike. They will be asking for ID.
- There was a petition that Assemblyman Skoufis circulated to local elected officials regarding the issues with the Cornwall Emergency Room and the potential shut down. I did sign on to it. There has been some movement of stopping the closing. Not a lot of people from here use Cornwall, but when there is an issue with Orange Regional that is where people get diverted to. Woodbury goes there on a regular basis. So it can definitely affect us, as well as the people over there.

Trustee Chichester commented, as attending the original meeting it was brought up, which I think is pertinent that the emergency plan that was filed by the County included Cornwall Hospital. They would have to rewrite the Emergency Plan if that is moved from activity.

- A few months ago Frontier Communications approached the Village regarding their new TV offering and they are looking to get a franchise. The attorney and I met with them and one of the questions we had was that 100% of the Village that is covered by Cablevision be covered with this new system, not just pick and choose. They have not come back to us, but in this Epic Orange Newspaper states the Town of Goshen signed on and at the end of a 10 year contract Frontier is only guaranteeing 35% coverage of the Town with the possibility of 50%. If they come back it will have to be at least what Cablevision is providing which is probably everything with exception of the other side of the Thruway.
- Mary Harriman 3R Well has been giving issues and is progressing. It is looking like it will be back in services within the next week or two. Once it is finished we will have the final report.
- The fencing around the DPW has commenced starting today.
- John Mulligan and I met with the County Representatives regarding the heritage trail, they are still working out an easement agreement to get into the trail property, but they has asked for the Villages cooperation in doing some of the early stage work in terms of getting trees trimmed, etc. to get the trail ready to be paved within the Spring. John is taking a look at it to see what needs to be done. The County will supply any equipment or materials that are needed. We are just going to supply some labor to speed up the process. The Village of Monroe is doing the same thing on their portion. This way by the spring the County hopefully will be able to pave it from the DPW building in Monroe down to the area just north/west of River Road, the other side of the stream from River Road. As long as they get their easement there will be parking right back at the trail. It will not be out on the road. It will be back off the road. There is room for 20-25 cars to park back there.

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DEPARTMENT REPORTS

Treasurer Report – see attached report
DPW – see attached report
Police Department – see attached report - \$15.00 in Funds
Water Account Adjustments – see attached report
Court Reports – see attached reports
Building Department – see attached report
 \$ 2,220.00 Building Permits
 \$ 600.00 Demolition Permits
 \$ 25.00 Certificate of Compliance
 \$ 300.00 Violation Searches
 \$ 3,145.00 Total

LOCAL LAW #4

The mayor stated we need to set a Public Hearing. Later this week or next week everything should be written up for review. This Local Law will include fee changes, ordinance corrections and building code changes which are required by the State.

MOTION was made by Trustee Chichester to schedule the Public Hearing for October 18th at 7:15pm.

SECOND was made by Trustee Borowski.

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

PARK REQUESTS

The Mayor stated we had received one from Tellez for August 21st – it was received on August 15th and as the park was available I had approved it at that time, as has been the case in the past.

Miranda – September 24th – 11-5pm

MOTION was made by Trustee Farrell to approve Miranda park request for September 24th.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

Trustee Chichester asked did they have the photo ID's that are necessary?

Mayor replied the second one was subject to the Photo ID and the first one was prior to.

SEASONAL DPW LABORER

The Mayor stated originally the position was to end on September 2nd and after discussions with John in regards to all the ongoing projects it was deemed necessary to extend it to November 23rd, which is acceptable to Paul, who has been the seasonal DPW worker this year.

MOTION was made by Trustee Farrell to approve Paul Fusik as seasonal DPW worker until November 23rd.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

PLANNING BOARD APPOINTMENTS –

The Mayor stated we need to appoint Irma Escallier to the position of Planning Board Chairman effective immediately, due to the untimely death of Don Danzeisen.

MOTION was made by Trustee Chichester to appoint Irma Escallier Planning Board Chairman effective immediately.

SECOND was made by Trustee Farrell.

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

The Mayor stated Irma has filled in the last few months and has done a good job and I know that she will continue in that roll.

The Mayor continued stating I will also like to appointment Michael Zwarycz as a regular Planning Board Member to fill the unexpired term of Don Danzeisen’s term which expires in March of 2017.

MOTION was made by Trustee Chichester to appoint Michael Zwarycz as a Regular Planning Board Member term expiring March 2017.

SECOND was made by Trustee Farrell.

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

The Mayor stated Mike appreciate you coming on as an alternate and are willing to come on as a Regular Member and look forward to you serving on that Board for a long time.

Trustee Chichester stated Congratulations

Trustee Daly commented Thank you.

PILGRIM PIPELINE RESOLUTION

The Mayor read the following resolution:

RESOLUTION REQUESTING THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND NY THRUWAY AUTHORITY TO ASSURE OPPORTUNITIES FOR MEANINGFUL PUBLIC AND MUNICIPAL PARTICIPATION IN THE SCOPING PROCESS FOR THE STATE ENVIRONMENTAL QUALITY REVIEW OF THE PILGRIM PIPELINES PROJECT

WHEREAS, Pilgrim Pipeline Holdings, LLC, has proposed to construct two pipelines carrying crude oil and refined petroleum products between Albany, New York, and Linden, New Jersey, cutting through the Village of Harriman and 30 other towns, cities, and villages in the Hudson Valley, Catskill region, and Capital area;

WHEREAS, the State Environmental Quality Review (SEQR) process for this project is underway, and a decision may be made any day with regard to a Declaration of Significance and the Scoping Process;

WHEREAS, NYS Department of Environmental Conservation (DEC) Acting Deputy Commissioner and General Counsel Thomas Berkman stated in a letter regarding lead agency, dated December 21, 2015, that “there is the potential for significant adverse environmental impacts associated with the construction and operation” of the pipelines, “including, but not limited to, impacts to hundreds of acres of forest, regulated water bodies and wetlands;” and

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WHEREAS, Deputy Commissioner Berkman further stated that the SEQR process for this proposed project “will be extensive and complex due to the myriad of issues likely to be raised, the number of involved State and local agencies, and the demonstrated public interest in the project;” and

WHEREAS, the construction and operation of pipelines poses significant risks not only to communities in the pipelines’ pathway but also to the many communities along the rail line delivering oil to these pipelines, which could see a two- or three-fold increase in crude-by-rail traffic if pipelines operate at full capacity; and

WHEREAS, the very large number of affected communities demands a scoping process that can accommodate their effective participation to identify issues of local and regional concern;

WHEREAS, their participation will require time-consuming research by municipalities and the public to analyze the proposal and identify potential impacts on local land, water and air resources, cultural, historic, and community resources and economic development;

WHEREAS, broad public input in the SEQR process is vital, given the millions of people potentially impacted by this project;

WHEREAS, any local issue or concern related to the proposed Pilgrim pipelines will only be examined in the Draft Environmental Impact Statement if identified in the scoping process, making community participation in this step vital to a comprehensive review;

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Harriman, as a potentially involved agency, requests the NYS Department of Environmental Conservation (DEC) and the New York Thruway Authority, as Co-Lead Agencies, to provide a minimum 90-day public comment period following the release of a Draft Scoping Document; and

BE IT FURTHER RESOLVED that the Village Board requests that public information sessions and hearings be held in every county in the pipeline pathway, and at least one meeting along the crude-by-rail route that would serve the pipelines; and

BE IT FURTHER RESOLVED that the Co-Lead Agencies make an extraordinary effort to maximize public engagement regarding the scoping process, to make all the meetings and comment deadlines widely known, and to help the public understand the significance of their opportunity to participate in the scoping process; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to NYS DEC Commissioner Basil Seggos, N.Y. Thruway Authority Acting Executive Director Bill Finch, and Governor Andrew M. Cuomo.

The Mayor is also recommending copies be sent to Senator Larkin, Assemblyman Skoufis, County Executive Steven Neuhaus and Orange County Legislator DiSalvo.

MOTION was made by Trustee Chichester to adopt the Pilgrim Pipeline Resolution.

SECOND was made by Trustee Borowski.

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

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The Mayor stated this has been before us and people from the Pilgrim Pipeline have been here a while ago without very many answers, so I think it is important we sign off on this and send to get our concerns aired for this.

DPW SURPLUS EQUIPMENT

The Mayor stated the following items are being requested to be put on the surplus list:

3 Yard Swenson Stainless Steel Spreader
100 Gallon Terracon Chemical Tank
Four 10" Mueller Valves
One 10" Clow Valve
Two 6" Mueller Valves
Approximately 30 – 35 assorted Dresser Couplings

The Mayor continued stating that these are all things John has gone through and deemed not necessary to have.

MOTION was made by Trustee Farrell to declare the equipment items surplus per John Mulligan's request.

SECOND was made by Trustee Chichester.

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

The Mayor stated we need a motion to place these items on Auction International with a closing bid date of October 17th.

MOTION was made by Trustee Chichester to place the surplus items on Auction International with a closing date of October 17th.

SECOND was made by Trustee Farrell.

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

CHIEF REQUEST

The Mayor stated the Chief requested to go to the 2016 Intelligence Summit with an expense of \$89.00 and mileage reimbursement from budgeted money.

MOTION was made by Trustee Chichester to approve the 2016 Intelligence Summit Chief Request of \$89.00 plus mileage.

SECOND was made by Trustee Farrell.

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

WATER VIOLATION NOTICES

The Mayor stated we received violation notices from the Orange County Department of Health this month. The first two were failure to submit tests and on further investigation the tests were submitted so the County subsequently withdrew the violations. We did receive the violation regarding the running average on the radiologicals including in there was Harriman Heights 3. Harriman Heights 3 was taken off line. The only reason the testing was done on that Well was in case it has to go back on in an emergency. It has been off line but two other wells the running average is still slightly above the limit. We have to send out the notification, which will go out by the end of this week.

HIGHWAY ITEMS 3 & 4 PETITION

The Mayor stated the Town has the option charging Village residents for snow removal and brush removal even though the Village has its own Highway Department and does not perform the service in the Town. The entire time that the Town of Woodbury operated as a Town Highway Department they never charged the Woodbury portion of the Village for highway items 3 & 4. On the other hand the Town of Monroe uses it as a cash cow and collects the money. The last couple of years they have waived one of them, but charged us for the other one on our tax bills, so this is a petition requesting that they not charge us where they do not perform the work. I am hoping this year that the new Councilman there I can have a conversation with him and explain what it is and see if we can't get some leverage. It is not a lot of money on your Town tax bill, but we shouldn't be paying for service we do not get

MOTION was made by Trustee Chichester to approve the Highway Items 3 & 4 Petition.

SECOND was made by Trustee Daly.

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

BUDGET TRANSFER

The Mayor stated due to the fact we extended the DPW seasonal help until November 23rd. The Treasurer has provided a couple of budget transfers.

MOTION was made by Trustee Chichester to approve the Treasurers Seasonal Help Budget Transfers.

SECOND was made by Trustee Borowski.

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

MARY HARRIMAN PARK

The Mayor stated there will be construction going on in the Mary Harriman Park playground within the next few weeks we hope to get started. Part of the playground will need to be closed for safety reasons. The Pavilion, restrooms and a small portion of the playground will be able to remain open. This will take place on or about September 26th.

Trustee Borowski asked what is the projected time period?

Mayor replied until it is done.

Trustee Borowski responded so it could go through winter.

Mayor replied yes.

MOTION was made by Trustee Farrell to authorize the closing of Mary Harriman Park playground area as necessary to perform the needed work to be done.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell
Trustee Chichester
Trustee Borowski
Trustee Daly

NAY:
NONE

Trustee Farrell stated some of the equipment is getting unsafe right now.

Mayor replied John checks it every day, but some of it is getting to the point that it has to go.

STREET LIGHTING

The Mayor stated we received a preliminary information packet from Smartwatt Energy which has to do with changing over the street lights to LED's. They are supposed to be providing more information moving forward on how it is going to save money and I did ask several questions which they did not have answers to. If they get back to us we will address it further. I did give all Board Members a packet with the information.

Trustee Farrell asked will they come and do a presentation for us?

Mayor replied I asked them and they will come when the time comes because it is something the Board will have to make decisions on.

DPW STORAGE BUILDING

The Mayor stated in the 2016-2017 Village Budget \$13,000 was approved on line 5110.200 for a new DPW storage building. The cost of the building came in at \$10,945. On the advice of the Building Inspector we decided to make the floor fire retardant in case vehicles were parked in there, which added a little over \$2,500 to the cost bringing the total to \$13,450.60.

MOTION was made by Trustee Chichester to approve the overrun on the original cost of the new DPW Storage Building.

SECOND was made by Trustee Farrell.

AYE: Trustee Farrell

Trustee Chichester

Trustee Borowski

Trustee Daly

NAY:

NONE

DISCUSSION

MUNICIPAL ADVISOR SERVICES AGREEMENT

The Mayor stated this has to do with the \$300,000 Bond we took out last year to pay for the water main extension and the other items for the dilution to meet the requirements of the Department of Health. The year is up so it has to be refinanced and it will be another one year ban. At the end of that time the other bond that was approved for the new SCADA system we should be through that and then we will be able to combine them into a long term bond. In the mean time we need to approve Municstate Services In.

providing the professional services related to the \$300,000 bond and the interest rates are in four different banks bid on it and the lowest bidder was Green County Commercial Bank with an interest rate of !.53%.

MOTION was made by Trustee Farrell to approve the Municipal Advisor Services Agreement.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell

Trustee Chichester

Trustee Borowski

Trustee Daly

NAY:

NONE

VILLAGE CLERK REQUEST

The Mayor stated the Village Clerks training request regarding the laserfische system. When this originally went in in 2012 there was training and the majority that use it have not been trained and are missing out on a lot of things we could be doing with it and would make life a lot easier, so it is requested we spend \$3,600 to have the rest of the staff trained to use this system being this is the achieve system for all of the records.

MOTION was made by Trustee Farrell to approve the Laserfische System training.

SECOND was made by Trustee Chichester.

AYE: Trustee Farrell

Trustee Chichester

Trustee Borowski

Trustee Daly

NAY:

NONE

ATTORNEY REPORT –

Attorney Darwin stated the wetland mitigation project we had proposed a deed restriction for the conservation easement to the Army Corp of Engineers a while ago and we got a reply from him today and George Lithco the attorney for Melody Lane rejecting the concept of a deed restriction and insisting upon a conservation easement which we discussed that is probably not in the best interest of the Village, at least as proposed. I spoke with George Lithco about the response to see if there is someone else at the Army Corp, Counsel or someone else that might be able to find a different perspective on it. We are not going to give up on it yet.

The sale of the Boundbrook Lane property we have the revert a-clause in the 1928 deed and at our request are looking to track down the heirs so we can contact them and ask them to release that revert a-clause. It is almost done according to Jim Rinalde at Arden Berg and hopefully we will have some information shortly.

The Village lawsuit against RD Management appeared in court before Judge Onofry, I believe it was last week, and a discovery session was set by the judge.

The Mayor stated there are a few other things in Executive Session we will need you for also.

PUBLIC COMMENT –

No comments.

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

SECOND was made by Trustee Farrell.

ALL IN FAVOR

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

The following was given by Mayor Welle:

Executive Session with Dave Darwin, Esq.

MOTION was made by Trustee Chichester to adjourn Executive Session and return to the Regular Session.

SECOND was made by Deputy Mayor Farrell.

ALL IN FAVOR

MOTION was made by Deputy Mayor Farrell and **SECONDED** by Trustee Daly to adjourn the meeting at 8:45pm.

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk