



# *Village of Harriman*

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Harriman, New York 10926  
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## **VILLAGE BOARD MEETING SEPTEMBER 14, 2021**

**7:00PM – AUDIT BILLS**  
**7:30PM – REGULAR MEETING**

### **AGENDA**

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES – August 10, 2021**
- 3. INFORMATIONAL ITEMS**
- 4. DEPARTMENT REPORTS**
- 5. RETIREMENT – POLICE SGT**
- 6. REINSTATE – FT POLICE OFFICER**
- 7. REINSTATED BENEFIT TIME – FT POLICE OFFICER**
- 8. NEW HIRE – PT POLICE OFFICER**
- 9. RELEASE FROM PROBATION**
- 10. PLANNING BOARD ATTORNEY APPOINTMENT**
- 11. DPW TRAINING REQUEST**
- 12. PARK APPLICATION REQUEST – MARGILLO, L**
- 13. WATER ACCOUNTS – a) 575, b) 667**
- 14. ZONING MAP CHANGE – SEQRA LEAD AGENCY AND NEG. DEC. RESOLUTION**
- 15. ADOPT NEW SOCIAL MEDIA POLICY**
- 16. AUTHORIZE WORLDPAY CREDIT PROCESSING AGREEMENT**
- 17. BUDGET ADJUSTMENT AND TRANSFERS**
- 18. PUBLIC COMMENT**
- 19. POSSIBLE MOTION TO ENTER EXECUTIVE SESSION**

### **UPCOMING MEETING DATES:**

<b>PLANNING BOARD MEETING:</b>	<b>September 20, 2021</b>
<b>ZONING BOARD OF APPEALS MEETING:</b>	<b>October 6, 2021</b>
<b>VILLAGE BOARD MEETING:</b>	<b>October 12, 2021</b>

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**7:00pm – Audit Bills**

**7:30pm – Regular Meeting**

**REGULAR MEETING**

**ROLL CALL**

Mayor Lou Medina, Trustee Sandra Daly, Deputy Mayor Carol Schneider, Chief Daniel Henderson, Village Clerk Jane Leake, Village Attorney Dave Darwin

**ABSENT** Trustee Bruce Chichester, Trustee Wayne Mitchell and DPW Superintendent Kyle Livsey

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

**APPROVAL OF MINUTES**

Mayor asked can I have a motion to approve the minutes of August 10<sup>th</sup> Board Meeting?

**MOTION** was made by Deputy Mayor Schneider to accept the minutes of August 10<sup>th</sup> Board Meeting.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly

Deputy Mayor Schneider

Mayor Lou Medina

**NAY:**

NONE

**INFORMATIONAL ITEMS**

This evening's bills were audited:

Trust & Agency	\$ 3,406.04
General Fund	\$ 285,056.76
Water Fund	\$ 24,872.88
Engineering Fees	\$ 481.25

- Up Coming Meeting Dates:
  - Planning Board – September 20, 2021
  - Zoning Board of Appeals – October 6, 2021
  - Village Board – October 12, 2021
- Village Office hours are 8am-4pm and by appointment 7-8am. Phone numbers and contact information is available on the website at [villageofharriman.org](http://villageofharriman.org).
- A lockbox is available outside Village Hall entrance, as you came in, for dropping off water payments or any other correspondence for Village Hall Staff. However, we ask that you please do not leave cash in the drop box and it is emptied on a regular basis.
- Residences and the Public can sign up for email alerts on the Village Website to receive general information or information regarding water bills or water billing dates. You can also pay water bills online at the [villageofharriman.org](http://villageofharriman.org) website.
- Brush pick up continues – we ask that you please place brush untied at the edge of your property with the butt end out, not on the streets and we do not accept grass clippings.
- We have one alternate position opened on the Planning Board and one vacancy on the Zoning Board of Appeals. Anyone interested please submit a letter of intent to the Village Clerk or contact the Mayor.
- The annual School Supply Drive was concluded on September 1<sup>st</sup> and we delivered several boxes of school supplies collected during this years annual School Supplies Drive. I want to extend my thanks

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to all the Community Residents and Staff who were so generous this year. Denise Guerriero from the Monroe Woodbury School District accepted the donations and will assist the Village by making sure these items are distributed to children who are in need.

- This past weekend on September 11<sup>th</sup> the Deputy Mayor and I attended the Monroe Service and it was very moving and a very good service held by the Village of Monroe for the Town of Monroe.
- Family Fun Day. September 18, 2021, 1pm-4pm. We are finally getting it altogether for Saturday. It should be a good event. I hope everyone can and will come out to enjoy it. We are looking forward to doing it.

**ADDITIONS/CHANGE:**

- 12b) Fernandez
- 12c) O'Brien
- 14) We will not be doing the Negative Declaration portion of the Resolution
- 18) Before #18 will be Attorney Comment

**DEPARTMENT REPORTS**

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report - Funds \$30.00

Water Account Adjustments – see attached report

Court Reports – see attached report      July \$19,963.00      \$15,870 remains with the Village

Building Department – see attached report

\$1377.23	5 Building Permits
900.00	6 Violation Searches
<u>40.00</u>	1 Periodic Inspection Fee
\$2317.23	

**RETIREMENT – POLICE SERGEANT**

Mayor stated the Board has received a letter from Sergeant Adam Basilicata announcing his retirement effective September 29, 2021. Mayor read letter.

**MOTION** was made by Trustee Daly to accept Sergeant Adam Basilicata's retirement effective September 29, 2021.

**SECOND** was made by Deputy Mayor Carol Schneider

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Schneider	NONE
Mayor Lou Medina	

Mayor continues we will be having a cake on Wednesday, September 29 for Sergeant Adam Basilicata at 1pm here at Village Hall if anyone is interested in participating in that.

**REINSTATE – FT POLICE OFFICER**

Mayor stated the Board received a letter from Chief Henderson requesting Michael Biagini to a Full time Police Officer, effective September 30, 2021, with a salary in accordance with the PBA Contract. He will not require a background check, psychological or field training as that was all completed at his initial hire.

**MOTION** was made by Deputy Mayor Schneider to approve reinstating Full Time Police Officer Michael Biagini with a salary according to the PBA Contract effective September 30, 2021.

**SECOND** was made by Trustee Daly

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Schneider	NONE
Mayor Medina	

**REINSTATED BENEFIT TIME – FT POLICE OFFICER**

Mayor stated the Board has received a letter from the Treasurer dated September 10, 2021, requesting reinstating benefit time for Michael Biagini.

**MOTION** was made by Deputy Schneider to accept the Treasurers request stated in the memo dated September 10, 2021, reinstating benefit time for Michael Biagini.

**SECOND** was made by Trustee Daly

<b>AYE:</b> Trustee Daly	<b>NAY:</b>	
Deputy Mayor Schneider		NONE
Mayor Medina		

**NEW HIRE – PT POLICE OFFICER**

Mayor stated the Board has received a letter from the Chief Henderson requesting hiring Adam Basilicata as a Part Time Officer effective, September 30, 2021, at a rate of \$28.94 per hour. He will also not require a background check, psychological or field training and will not require equipment purchase as a new hire.

**MOTION** was made by Trustee Daly to accept hiring Part Time Police Officer Adam Basilicata effective, September 30, 2021.

**SECOND** was made by Deputy Mayor Schneider

<b>AYE:</b> Trustee Daly	<b>NAY:</b>	
Deputy Mayor Schneider		NONE
Mayor Medina		

**RELEASE FROM PROBATION**

Mayor stated the Board received a letter from Chief Henderson requesting that Sergeant Levison be taken off probation as soon as possible. Mayor read letter.

**MOTION** was made by Trustee Daly to accept the release of probation for Sergeant Levison effective September 15, 2021.

**SECOND** was made by Deputy Mayor Schneider

<b>AYE:</b> Trustee Daly	<b>NAY:</b>	
Deputy Mayor Schneider		NONE
Mayor Medina		

**PLANNING BOARD ATTORNEY RESIGNATION**

Mayor stated the Board received a letter of resignation from the current Planning Board Attorney, Kevin Dowd, effective September 30, 2021. Mayor read letter. Kevin will attend the September 20, 2021, Planning Board Meeting and will work with our new transition Attorney. I would also like to extend the Village's gratitude to Kevin Dowd on behalf of the Board and the Planning Board for all of his over nine years of service to the Village and expert legal advice to the Planning Board and residents. We wish him all the best in retirement.

**MOTION** was made by Deputy Mayor Schneider to accept Attorney Kevin Dowd's resignation as Planning Board Attorney effective September 30, 2021.

**SECOND** was made by Trustee Daly

<b>AYE:</b> Trustee Daly	<b>NAY:</b>	
Deputy Mayor Schneider		NONE
Mayor Medina		

**PLANNING BOARD ATTORNEY APPOINTMENT**

Mayor stated on July 23<sup>rd</sup> the Board submitted a request for proposal for legal services consultants. Deputy Mayor Schneider and I have interviewed candidates and are recommending appointing Dominick Cordisco of Drake Loeb Attorneys at Law to the Planning Board.

**MOTION** was made by Deputy Mayor Schneider to appoint Dominick Cordisco of Drake Loeb Attorneys at Law as our Consulting Attorney to the Planning Board effective October 1, 2021.

**SECOND** was made by Trustee Daly

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**AYE:** Trustee Daly  
Deputy Mayor Schneider  
Mayor Medina

**NAY:**  
NONE

Mayor continued I need a motion for Board Approval to retain the incumbent Village Board Attorney, David Darwin.

**MOTION** was made by Deputy Mayor Schneider to approve Attorney David Darwin of Ostrer & Associates as Village Board Attorney.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly  
Deputy Mayor Schneider  
Mayor Medina

**NAY:**  
NONE

Mayor continued I need a motion for Board Approval to retain the incumbent Zoning Board of Appeals Attorney, Joe McKay.

**MOTION** was made by Deputy Mayor Schneider to approve Attorney Joe McKay of Catania Mahon & Rider PLLC as Zoning Board of Appeals Attorney.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly  
Deputy Mayor Schneider  
Mayor Medina

**NAY:**  
NONE

**DPW TRAINING REQUEST**

Mayor stated we received a request from Ron Krzywicki to attend the Hudson Valley Water Works Conference on September 16, 2021 at a cost of \$30.00.

**MOTION** was made by Trustee Daly to approve the DPW training request for Ron Krzywicki to attend the Hudson Valley Water Works Conference on September 16, 2021, at a cost of \$30.00.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly  
Deputy Mayor Schneider  
Mayor Medina

**NAY:**  
NONE

**PARK APPLICATION REQUESTS**

Margillo – September 19, 2021

**MOTION** was made by Deputy Mayor Schneider to approve the Margillo Park Request reimbursement of \$40.00 due to a Covid circumstance.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly  
Deputy Mayor Schneider  
Mayor Medina

**NAY:**  
NONE

Fernandez – October 02, 2021

**MOTION** was made by Trustee Daly to approve the Fernandez Park Request for October 2, 2021.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Trustee Daly  
Deputy Mayor Schneider  
Mayor Medina

**NAY:**  
NONE

O'Brien – October 9, 2021

**MOTION** was made by Trustee Daly to approve the O'Brien Park Request for October 2, 2021.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Trustee Daly  
Deputy Mayor Schneider  
Mayor Medina

**NAY:**  
NONE

**WATER ACCOUNTS**

Account 575 – Penalty Waiver Request

**MOTION** was made by Trustee Daly to approve granting a 1x waiver of fees on Account 575.

**SECOND** was made by Deputy Mayor Schneider

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Schneider	NONE
Mayor Medina	

Account 667 – Penalty Waiver Request

**MOTION** was made by Deputy Mayor Schneider to approve granting a 1x waiver of fees on Account 667.

**SECOND** was made by Trustee Daly

<b>AYE:</b> Trustee Daly	<b>NAY:</b>
Deputy Mayor Schneider	NONE
Mayor Medina	

**ZONING MAP CHANGE – SEQRA LEAD AGENCY AND NEG. DEC. RESOLUTION**

Mayor stated as I mentioned we are striking the Negative Declaration portion of this Resolution

Attorney Darwin explained that there is an application in front of the Planning Board by the petitioner for a project involving construction of a warehouse facility. The Planning Board would be Lead Agency and conduct a SEQRA review in connection with that property. A separate action goes before this Board which is to amend the zoning map to move the boundary on it, separating the Industrial Zone from the PAD Zone. Move that to coincide with the property boundaries to facilitate the application for the Planning Board for that project. So, this Board would conduct a SEQRA review with respect to the zoning boundary change and that is what the Board is doing tonight. You are declaring yourself Lead Agency for this action and typing the action as unlisted action. The next step would be to prepare the Environmental Assessment Form. I know there is a draft that has been prepared and then a determination of significance will be made with a separate resolution probably next month, and the Board would issue, if they decided there were no significant adverse environmental impacts as a result to this zoning map change. Then you would issue a Negative Declaration and that Negative Declaration would also indicate that the project that is before the Planning Board would be undergoing a separate and complete thorough review under SEQRA.

Mayor stated the petition has been sent to the Planning Board for them to look at and give comment back to this Board so when we are ready to make that determination, we will have that comment as well.

Attorney Darwin replied correct and then a referral to the County Planning Department as well once SEQRA has been completed.

Mayor stated so we would have our own 239 separate and apart from the site plan and whatever Planning is doing. They would then continue doing their own SEQRA for the site as opposed to what we are doing right now which is just for this one specific action.

Mayor read:

RESOLUTION NO. 14 OF 2021

A RESOLUTION OF THE VILLAGE OF HARRIMAN BOARD OF TRUSTEES PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") DECLARING ITSELF LEAD AGENCY AND DETERMINING THAT THE PROPOSED ACTION TO AMEND THE VILLAGE ZONING MAP ("ACTION") IS AN UNLISTED ACTION.

WHEREAS, A Petition has been submitted to the Village of Harriman by 12 Commerce Drive Real Estate, LLC For an Amendment of the Zoning Map of the Village of Harriman, Orange County, New York; and

WHEREAS, Petitioner is the owner of a parcel of property consisting of approximately 7.8 +1- acres located at 12 Commerce Drive, which property is designated on the Village of Harriman Tax Map as Section 108 Block 1 Lot 10 ("the Property"); and

WHEREAS, approximately two thirds of the Property is currently designated as being located in the I-Industrial Zoning District and the remaining one-third is currently designated as being located in the PAD- Planned Area Development Zoning District; and

WHEREAS, The Property is located adjacent to other established commercial and industrial uses on Commerce Drive; and

WHEREAS, the Petition is for an amendment to the Village Zoning Map to include all of the Property within the I-Industrial Zoning District; and

WHEREAS, the proposed amendment to the Zoning Map is an "Action" requiring an environmental review under SEQRA and the Village Board of Trustees is the only Involved Agency as defined in at section 617.2 of the SEQRA regulations, and desires to declare itself lead agency for the Action, now, therefore, it is hereby:

RESOLVED, that this Village Board hereby (1) declares itself lead agency for the proposed Action; and (2) makes a determination that the Action is an unlisted action under SEQRA.

**MOTION** was made by Trustee Daly to accept this Resolution.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Trustee Daly

**NAY:**

Deputy Mayor Schneider

NONE

Mayor Medina

#### **ADOPT NEW SOCIAL MEDIA POLICY**

Mayor stated this is something that came out of when we were possibly looking for a new insurance firm. Quite a few of the providers mentioned the need to have a policy and I think it is helpful to explain the new workplace reality surrounding social media and confidentiality and best practices to follow and be aware of. So, the plan, if this is approved, is to do a read and sign for all Staff and Boards and to include it as part of our annual review for reorganization of our policies.

**MOTION** was made by Deputy Mayor Schneider to accept the Social Media Policy Version 1.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly

**NAY:**

Deputy Mayor Schneider

NONE

Mayor Medina

#### **AUTHORIZE WORLDPAY CREDIT PROCESSING AGREEMENT**

Mayor stated our software provided for online payment of water bills is transitioning to a new credit processing company named Worldpay. In order to keep the same software and continue to provide online bill pay for Village Water Customers we would need to sign the new Credit Processing Agreement. Our Attorney has reviewed the Agreement and all the Board Members have already received and agreed and approved signature.

**MOTION** was made by Deputy Mayor Schneider to approve the Mayor to sign this Merchant Processing Agreement with Worldpay.

**SECOND** was made by Trustee Daly

**AYE:** Trustee Daly

**NAY:**

Deputy Mayor Schneider

NONE

Mayor Medina

#### **BUDGET AJUSTMENT and TRANSFERS**

Mayor stated the Board received from the Treasurer some Budget Adjustments and Budget Transfers in a memo dated September 10, 2021

**MOTION** was made by Deputy Mayor Schneider to approve the Budget Adjustments and Transfers request stated in the Treasurer's memo dated September 10, 2021.

**SECOND** was made by Trustee Daly

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**AYE:** Trustee Daly  
Deputy Mayor Schneider  
Mayor Medina

**NAY:**  
NONE

**ATTORNEY COMMENTS** –

Attorney Darwin stated I would like to report the acceptance of the offer on 4 South Main Street property. The short sale has been approved. The Village's offer has been accepted by the lenders. So, the next step would be to arrange closing. I don't know if there is any other paperwork that the bank has to put together first, but I will get in touch with the owners Attorney and make arrangements for the closing.

Mayor replied thank you. It has been a long time coming. Almost two years. So, we will await hearing back from them to see if there is anything else that we need to submit and hopefully plan for a closing. Great! Thank you very much and thank you for your hard work on that. I know it was a long-drawn-out process.

**PUBLIC COMMENTS** – NONE

No Executive Session this evening.

**MOTION** was made by Trustee Daly to adjourn Regular meeting at 8:05pm.

**SECOND** was made by Deputy Mayor Schneider

**ALL IN FAVOR**

Respectfully submitted by: \_\_\_\_\_  
Jane Leake, Village Clerk