

**VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
January 22, 2013**

**7:15 P.M. – PUBLIC HEARING: PROPOSED LOCAL LAW -INDUSTRIAL ZONE
7:20 P.M. - PUBLIC HEARING: PROPOSED LOCAL LAW – 2% TAX LEVY
7:25 P.M. - PUBLIC HEARING: PROPOSED LOCAL LAW – COMMERCIAL TRUCK
ROUTE
7:30 P.M. – REGULAR MEETING**

PUBLIC HEARING – PROPOSED LOCAL LAW #1 of 2013 – INDUSTRIAL ZONE

Mayor Welle read the Public Notice,

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law amending the permitted uses in the Industrial Zone in the Village at Harriman Village Hall, 1 Church Street, Harriman, New York on January 22, 2013 at 7:15 p.m. or as soon thereafter as the matter may be heard.

If adopted, this local law will be amended to allow for specified vocational training to take place in the industrial zone related to manufacturing, automobiles and machinery.

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.

BY ORDER OF THE VILLAGE BOARD

VILLAGE OF HARRIMAN

KELLY KEARNEY, VILLAGE CLERK

Dated: January 9, 2013

The Mayor asked Village Clerk Kelly Kearney if we received anything in writing regarding this Public Hearing and she stated No we have not. The Mayor then opened up the Public Hearing to the public:

Michael Hagopian- 160 Rte 17M- would this be open to the public or for retail? Mayor Welle stated no strictly training purposes only. Mr. Hagopian stated the law does not say that. Trustee Sacher stated it states what would be allowed there. It does not state what is not allowed only what is allowed. Mr. Hagopian stated that BOCES does this and charges to fix cars. Mayor Welle stated it does not allow for a repair shop. This does not allow for retail sales which I believe that would that would come under. Mayor Welle stated any other comments from the public.

MOTION was made by Trustee Stuart to close public hearing.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Stuart

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
January 22, 2013
Page 2

PUBLIC HEARING – PROPOSED LOCAL LAW #2 of 2013 – 2% TAX LEVY

Mayor Welle read the Public Notice

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law entitled, "A Local Law Authorizing a property tax levy in excess of the limit established by General Municipal Law § 3-c," Harriman Village Hall, 1 Church Street, Harriman, New York on January 22, 2013 at 7:20 p.m. or as soon thereafter as the matter may be heard.

This local law, if adopted, will relieve the Village of the prohibition against increasing a tax levy by more than 2% as imposed by General Municipal Law § 3-c. As the Village relies upon the assessments of the Towns of Woodbury and Monroe and therefore cannot anticipate the impact of resolutions of tax certiorari matters or other unanticipated expenses the restrictions of General Municipal Law would potentially impose a great hardship upon the Village or require borrowing otherwise deemed unnecessary.

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.

BY ORDER OF THE VILLAGE BOARD

VILLAGE OF HARRIMAN

KELLY KEARNEY,

VILLAGE CLERK

Dated: January 9, 2013

The Mayor asked Village Clerk Kelly Kearney if we received anything in writing regarding this Public Hearing and she stated No we have not. The Mayor then opened up the Public Hearing to the public:

There were no public comments we left the public hearing open for a few minutes. The Mayor Stated since there are no comments can we have a Motion to close the public hearing.

MOTION was made by Trustee Chichester to close public hearing.

SECOND was made by Trustee Mosca

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
January 22, 2013
Page 3

PUBLIC HEARING – PROPOSED LOCAL LAW #3 of 2013 – COMMERCIAL TRUCK ROUTE

Mayor Welle read the Public Notice

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law amending and revising Section 132-13 of the Code of the Village of Harriman pursuant to Sections 10 and 20 of the Municipal Home Rule Law at Harriman Village Hall, 1 Church Street, Harriman, New York on January 22 at 7:25 p.m., or as soon thereafter as the matter may be heard.

These revisions to the Village Code, should they pass, will amend section 132-13 of the code to provide roads that do not allow Commercial trucks of a certain size to travel upon them and to provide a specified truck Route for commercial trucks travelling to Bailey Farm Road.

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.

BY ORDER OF THE VILLAGE BOARD

VILLAGE OF HARRIMAN

KELLY KEARNEY, VILLAGE CLERK

Dated: January 10, 2013

The Mayor asked Village Clerk Kelly Kearney if we received anything in writing regarding this Public Hearing and she stated No we have not. The Mayor then opened up the Public Hearing to the public:

Michael Hagopian- 160 Rte 17M- There was a brief discussion with the Village Board and Attorney with Mr. Hagopian regarding tow trucks being able to tow vehicles in this area. The Village Attorney stated we can add Exemption #3 to the Local Law this subdivision shall apply to vehicles possessed with a valid towing license in the Village of Harriman.

MOTION was made by Trustee Sacher to accept as outlined by the Attorney to amend this Local Law.

SECOND by Trustee Shuart

MOTION was made by Trustee Chichester to close the public hearing.

SECOND was made by Trustee Shuart.

AYE: Trustee Chichester **NAY:** -0-
 Trustee Mosca
 Trustee Sacher
 Trustee Shuart

ROLL CALL:

Mayor Stephen Welle, Deputy Mayor Edward Shuart Jr., Trustee G. Bruce Chichester, Trustee Lawrence Mosca, Trustee Christine Sacher, Village Clerk Kelly Kearney, and Village Attorney Ben Ostrer of Ostrer & Hoovler.

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

APPROVAL OF MINUTES:

Mayor Welle asked if there were any changes or additions to the minutes of the December 11, 2012 Board Meeting. There being none, the minutes were accepted as written.

INFORMATIONAL ITEMS:

- Upcoming meeting dates:
 - Planning Board Meeting – January 14, 2013
 - Zoning Board of Appeals – February 6, 2013
 - Village Board – January 22, 2013
- There are two additions to add to the agenda this evening
 - 4 a Request by DPW Superintendent
 - 4 b Budget Transfers
- Mayor Welle stated we were notified by Orange County Department of Health with a Notice of Violation on one of the wells. It was for exceeding the maximum contaminates level. It is one pCi over the recommended levels. The violation was not something that the Health Department deemed necessary to stop use of the well. The DPW Supt. John Karl was authorized to take samples away from the well to insure that the levels out in the system are not over the limit. The well is being monitored and will be tested again. We are also looking into meditation down the road if necessary. DPW Supt. John Karl stated it is not in the system it is at the entrance way. It is caused by particles in the minerals.

- Mayor Welle stated we received notice from the Orange County Executive, regarding the County participating in a Save a Life program. This is a gun buyback program January 18, 2013 thru March 18, 2013. You can turn in unwanted or illegally possess firearms no questions asked. There are several locations if anyone is interested the paperwork is in Village Hall.
- Mayor Welle again requested that no garbage or recycle cans be placed in the street it can cause serious issues with plowing. Mayor Welle also stated that in accordance with Village Codes Code 132-15 No overnight parking in the Village from November 1st thru April 1st from 11pm – 6am.
Code 132-27.1 No parking at all on Village streets in snow events until snow has been cleaned off the roads.
- Monroe Clean Sweep will be Saturday, April 20, 2013 8am-12noon, more details to follow.
- Mayor Welle and Deputy Shuart attended a Sewer District meeting at the Harriman Waste Water Treatment Plant. The money that the County was looking to spend in Chester to gain additional capacity has shifted from Chester to Harriman Plant to see if they can increase the capacity at this plant. The Mayor stated he will keep us up to date on this issue.
- Bills were audited:

\$72,733.07	General Fund
\$67,857.05	Water Fund

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
January 8, 2013
Page 2

DEPARTMENT REPORTS:

DPW – see attached report. DPW received \$150.00 for street opening application

- And 2 water permits 1. \$ 170.00
- 2. \$1000.00

Police Department – see attached report. Police received \$30.00 in funds

Building Department – see attached report.

- \$59,274.00 building permits
- \$ 50.00 certificates of compliance
- \$ 450.00 certificates of occupancy
- \$ 200.00 Municipals

The Building Dept. Year End Report for 2012 total was \$76, 440.00.

DPW REQUEST-

The request is regarding the gasoline and diesel fuel to allow the Village to purchase off the State Bid. Mayor stated we need to authorize John to file this with the state.

MOTION was made by Trustee Sacher to authorize DPW Supt. John Karl to file this with the State.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester **NAY:** -0-
 Trustee Mosca
 Trustee Sacher
 Trustee Shuart

BUDGET TRANSFER REQUEST-

Request from the Village Treasurer in the memo you received dated January 7, 2013.

MOTION was made by Trustee Chichester as outlined by memo dated January 7, 2013 from Treasurer Marie Coimbra to approve the transfers.

SECOND was made by Trustee Mosca.

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

Trustee Mosca
Trustee Sacher
Trustee Shuart

REQUEST FOR CHANGE TO I-ZONE-

Mayor Welle stated at last meeting a request and presentation to make some changes to the I-Zone, which was given to the Planning Board for their input. As per the memo from the Planning Board Attorney they would be in favor for such a change, regarding vocational and commercial type training centers. If the Village Board so desires we can direct the Village Attorney to draft a Local Law and set up a Public Hearing.

MOTION was made by Trustee Sacher to approve the request as outlined by the Mayor.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

January 8, 2013

Page 3

We will set the Public Hearing for the next Village Board Meeting which is January 22, 2013 at 7:15 pm to be heard.

WATER ACCOUNT # 51-0003040-0-

Deputy Clerk Jane Leake requested the late water penalty fee be waived for this account. It seems it was put in the wrong mail box and she received it after the due date even though it was here.

MOTION was made by Trustee Shuart to approve the request as outlined by the Mayor.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

COURT BOOKS AUDITED-

Mayor Welle stated that every year the Justice Court books are audited. Analysis was done for fiscal year June 1, 2011 – May 31, 2012. It was completed by the Village of Harriman CPA, Mr. Marvin Nyman. The Mayor stated we need to make a Resolution to accept this Audit of the Justice Court books, so that we can forward it to the NYS Office of Court Administration.

MOTION was made by Trustee Chichester to approve the audit as outlined by the Mayor.

SECOND was made by Trustee Shuart.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

2% TAX CAP-

Mayor Welle stated with the 2% Tax Cap that has been implemented by NYS on all municipalities the same as last year. It has been recommended by NYCOM that the Village adopt the Tax Cap Override bill. Not that the Board has any intention of surpassing the 2 % but in the event that when the State Comptroller's Office does there numbers if there is a problem it is a safeguard. We need to draft a similar law like last years and set up a Public Hearing.

MOTION was made by Trustee Chichester to approve the request as outlined by the Mayor.

SECOND was made by Trustee Shuart.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

We will set the Public Hearing for the next Village Board meeting, which is January 22, 2013 at 7:20pm to be heard.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
January 8, 2013
Page 4

DELIQUENT WASTE ACCOUNT-

The Notices have been sent out to the people as per the code. We need authorization from the Board to turn off those water services to those accounts that are still not paid on January 10, 2013.

MOTION was made by Trustee Shuart to approve the request as outlined by the Mayor.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

REQUEST FROM POLICE CHIEF-

Mayor Welle stated he received a request to authorize the scheduling of the Chief A exam Orange County Civil Service.

MOTION was made by Trustee Chichester to approve the request as outlined by the Mayor.

SECOND was made by Trustee Mosca.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

VILLAGE BOARD MEETINGS FOR 2013-

There is one conflict February 12, 2013, it is a Village Holiday. Mayor Welle recommended we move the meeting to Wednesday, February 13, 2013.

MOTION was made by Trustee Chichester to approve the date change as outlined by the Mayor.

SECOND was made by Trustee Sacher.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

REQUEST VILLAGE CLERK-

The Village Clerk has requested for her and the Deputy Clerk to attend the Board of Elections class on January 29, 2013. There is no charge for this class.

MOTION was made by Trustee Shuart to approve the Village Clerk and Deputy Clerk to attend as outlined by the Mayor.

SECOND was made by Trustee Sacher.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

January 8, 2013

Page 5

ATTORNEY REPORT:

- Mayor Welle stated the Village is looking to create a truck route for Superior Pack which is on Bailey Farm Road. A lot of tractor trailers are coming through the center of the Village and creating a lot of issues. The prior tenant in that building Ridgewood Plumbing had directed all their trucks to come off Route 17 onto Evergreen to River Road to Bailey Farm Rd. We would like to attempt to do the same with this business, as wires and poles have been torn down and the drivers have tried to leave the area without being caught. We would like to reverse the route for their way out. Mayor Welle asked Attorney Marissa Tuohy if she could prepare this before the next meeting. She said she could. The Mayor stated we need a motion to set up a Public Hearing for the next Village Board Meeting January 22, 2013 at 7:25pm.

MOTION was made by Trustee Chichester as outlined by the Mayor.

SECOND was made by Trustee Shuart.

AYE: Trustee Chichester **NAY:** -0-
Trustee Mosca
Trustee Sacher
Trustee Shuart

- Hampton Inn - there has been no other offers
- Code Updates – still working on the movie production part, we are working towards getting them completed as well as the other changes.

PUBLIC COMMENT:

There were no comments from the public.

MOTION was made by Trustee Chichester to enter into Executive Session for litigation and client/attorney privilege.

SECOND was made 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 was held with Attorney Marissa Tuohy and Chief Raymond Culver.

MOTION was made by Trustee Shuart to end Executive Session and return to the regular meeting.

SECOND was made by Trustee Chichester.

ALL IN FAVOR

A **MOTION** was made by Trustee Chichester and **SECONDED** by Trustee Sacher to adjourn the meeting at 9:35pm.

ALL IN FAVOR.

Respectfully submitted by _____

Kelly Kearney, Village Clerk