

**\*\* Revised at the October 22, 2013 Village Board Meeting\*\***

**VILLAGE OF HARRIMAN, NEW YORK  
VILLAGE BOARD MEETING  
OCTOBER 8, 2013**

**7:00 P.M. – AUDIT OF BILLS**

**7:30 P.M. – REGULAR MEETING**

**ROLL CALL:**

Mayor Stephen Welle, Deputy Mayor Edward Shuart Jr., Trustee G. Bruce Chichester, Trustee Lawrence Mosca, Trustee Christine Sacher, Building Inspector Ronald Walker, DPW Superintendent John Karl, Sgt. and Officer in Charge Mike Cruz, Village Clerk Kelly Kearney, and Village Attorney of Ostrer & Hoovler not present as of yet.

The Mayor asked everyone to stand for the Pledge of Allegiance. The Mayor asked if everyone could remain standing for a moment of silence in memory of Josephine Clark, a longtime resident of the Village who passed away last week. She was very active in the community with the Fire Department, Election Inspector, and Local Chapter of the American Legion. There was a moment of Silence. Trustee Chichester also stated First Lady of the Village of Harriman too. The Mayor thanked everyone.

**APPROVAL OF MINUTES:**

Mayor Welle asked if there were any changes or additions to the minutes of the September 25, 2013 Board Meeting and Special Meeting of October 1, 2013. Trustee Sacher stated yes the October 1, 2013 minutes, there was a discussion after the Motion and the Second and it is not stated in the minutes as such. Mayor Welle stated that it is Executive Session. Trustee Sacher stated so we can't state there was the discussion. Mayor Welle stated no, he then asked is there any other discussion. There being none, the minutes were accepted as written.

**Let the Record reflect that at 7:33 PM Attorney Marissa Touhy of Ostrer & Hoovler arrived.**

**INFORMATIONAL ITEMS:**

- Mayor Welle stated there is an addition to the agenda this evening:  
12 a – Budget Transfer
- Upcoming meeting dates:  
Zoning Board of Appeals – November 6, 2013  
Planning Board – October 21, 2013  
Village Board – October 22, 2013

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

- Bills were audited:
  - \$ 88155.37 General Fund
  - \$ 77757.39 Water Fund
  - \$ 2219.72 Trust & Agency

**\*\*At the October 22, 2013 Village Board meeting it was noted that there is one correction to the Minutes of October 8, 2013, the Water Fund will be decreased by \$2100. And the Trust & Agency will be increased by \$2100. This is a charge that should have come out of Trust & Agency. The Trust & Agency amount should have been \$4319.72 and the Water Fund should have been \$75,657.39**

- Mayor Welle stated that the Village of Harriman PBA has had an Election and the results are Police Officer Adam Basilicata has been voted Village of Harriman PBA President, Officer Johnny Motz has been voted Village of Harriman PBA Vice President and Officer Edward Josefovitz has been voted Village of Harriman PBA Treasurer. Mayor Welle stated Congratulations to all of them.
- Mayor Welle stated that the Town of Monroe Composting Facility is opening Wednesdays and Saturdays October 16, 2013 thru November 16, 2013 from 9 am to 3 pm for leaves and brush.
- Mayor Welle stated he sent a letter to Legislator Chairman Pillmeier regarding the \$925,000. The Legislation has approved for studying and expanding the Waste Water Treatment Plant in Harriman from 6 million gallons a day to 9 million gallons asking several questions and again questioning the odors that are emitting from the plant.
- Mayor Welle stated that Local Law # 5 of 2013 which has to do with the Video Productions. It was listed when we had the discussion as Chapter 141 General Code would like to make it Chapter 133 which would keep the book in alphabetical order as they have stated.
- Mayor Welle stated in the audience this evening is Igna Quiantance she is a candidate for Orange County Legislative District #14 and I am sure she would be willing to talk to anyone after the meeting is they so desire.
- Mayor Welle stated this afternoon Marissa Tuohy our Village Attorney and myself attended a lengthy meeting in Goshen on the issues with the Governance of the Sewer District. (there was a pause do to the Fire Dept. sirens going off) and all the different proposals floating around, trying to get it out of the hands of the 21 County Legislators who have no vested interest in it. I do not know if we are making progress in this or not. There are a lot of issues to be dealt with regarding the capacity that is there and of course now what they are looking for in future capacity and how it will all be dealt with. We are there and represented. After that was the Traffic Force Meeting held here and letters were sent out by several municipalities to Congressman Maloney and Governor Cuomo regarding our attempts to regain momentum to get the funding back for the Exit 131 project which affects everyone in this area and with the potential of Sullivan County Casinos coming it's in their best interest to also get something rolling.

**DEPARTMENT REPORTS:**

DPW – see attached report.

Mayor asked DPW Supt John Karl was #13 on your report was that \$248.00 worth of scrap. DPW Supt John Karl stated that is correct.

Police Department – see attached report

**VILLAGE OF HARRIMAN, NEW YORK**  
**VILLAGE BOARD MEETING**  
**October 8, 2013**  
**Page 3**

**DEPARTMENT REPORTS Cont'd**

Building Department – see attached report.

\$ 3934.00	Building Permits
\$ 100.00	Certificates of Compliance
\$ 0.00	Certificates of Occupancy
\$ 400.00	Municipals
\$ 105.00	Building Permit Extensions
\$ 25.00	Sign Permit

**BID AWARD – 1999 DODGE PICK UP**

Mayor Welle stated regarding the 1999 Dodge pickup that was declared surplus and put out to bid the high bid on Auctions International which closed last night was \$1625.00 we need a Motion to accept that.

**MOTION** was made by Trustee Chichester to accept this bid as outlined by the Mayor.

**SECOND** was made by Trustee Mosca.

**AYE:** Trustee Shuart  
Trustee Sacher  
Trustee Chichester  
Trustee Mosca

**NAY:** -0-

**WATER ACCOUNTS – 45 DAY LATE FEE**

Mayor Welle stated that several of these fees were assessed and upon checking with the Code, the Code contradicts itself and we are going to have to address that so in the mean time we need a Motion from the Board to rescind the 45 day late fees to some of the water accounts.

**MOTION** was made by Trustee Chichester so moved as outlined by the Mayor.

**SECOND** was made by Trustee Mosca.

**AYE:** Trustee Shuart  
Trustee Sacher  
Trustee Chichester  
Trustee Mosca

**NAY:** -0-

**REQUEST - WATER ACCOUNT 7327**

Mayor Welle stated they received a request from water account 7327 to waive a late fee of \$18.23 he is claiming that his bank sent it to our former P O Box therefore it did not get here on time, we did away with the P O Box over a year ago and everyone has been notified and the ones that came in that were forward by the Post Office were all sent letters in the past advising them of this address. So if the Board desires to waive this I need a Motion.

**Mayor Welle stated being no Motion this request is denied.**

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

**REQUEST WATER ACCOUNTS - 4345 & 4410**

This has to do with a billing issue going back a substantial amount of money is due because of the billing issues. They had paid forward on this. One month ago, we discussed it and they have agreed to pay the full amount. But, they would like to do it over time of five quarterly payments of \$1121.00 per quarter. We need a Motion to accept this arrangement.

**MOTION** was made by Trustee Mosca to approve the payment arrangement as outlined by the Mayor.  
**SECOND** was made by Trustee Chichester.

Mayor Welle stated his only addition if accepted would be that no late fees accessed on it.  
Board agreed

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

**DELIQUENT WATER ACCOUNTS –**

Mayor Welle stated 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 October 10, 2013.

**MOTION** was made by Trustee Chichester to authorize these shut offs if payment is not received.  
**SECOND** was made by Trustee Shuart

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

**RESOLUTION – ST. LUKE’S CORNWALL HOSPITAL**

Mayor Welle stated we received a copy of a Resolution here from Assemblyman Skoufis, I will just read through it (see attached copy). Mayor Welle continued to say that part of the Village of Harriman is in the Town of Woodbury and they do take Village residents on occasions to Cornwall Hospital. Plus this is part of the County Disaster Plan Cornwall Hospital if there blockages in the roads going towards Middletown or towards Suffern. Cornwall is the next nearest hospital. Mayor Welle stated I need a Motion from the Board to adopt this Resolution.

**MOTION** was made by Trustee Shuart to adopt this Resolution.  
**SECOND** was made by Trustee Chichester.

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

**VILLAGE OF HARRIMAN, NEW YORK  
VILLAGE BOARD MEETING  
OCTOBER 8, 2013  
Page 5**

**WOODBURY PLAZA – LOCEY LANE**

Mayor Welle stated that we received a request a while ago requesting water. There was a water adequacy study done. The Board had a discussion; this was a parcel that several years ago, the Board had agreed to supply water to. After meeting with them, they have agreed to an \$18,000. Capital Contribution and agreed that they will have to follow all the water's rule and regulations regarding the other associated charges and that they will have to meet with Village Engineer and DPW Supt. regarding the connections. So based on that we would need approval from the Board that we accept the \$18,000 Capital Contribution and move forward and have the Village Attorney draw up an agreement on this, which would have a two year end date on it if it is not built in that amount of time.

**MOTION** was made by Trustee Shuart to approve this request as outlined by the Mayor.  
**SECOND** was made by Trustee Chichester.

Trustee Mosca stated what were the results of the tests

Mayor Welle stated the water adequacy

Trustee Mosca Yes

Mayor Welle there was plenty of water for it

Trustee Mosca wasn't there an email sent out John (DPW Supt) was there any concerns there.

DPW Supt John Karl stated yes I sent the Board a letter

Trustee Mosca what were your concerns

DPW John the low pressure system has three wells in it produces 355 gallons per minute, my concerns are the fire flows in the event of a catastrophic event if we do have a large volume of water used we have 355 gallons to fill back you 1.5 million gallon tank plus handle your domestic water users as well

Trustee Mosca was that stated in any of the reports

DPW John said they gave an adequacy report, all of our wells totaled up not with the systems split into two pressure zones this is in a low pressure zone we only have three wells in the low pressure zone as I stated in the letter I have not heard from anybody.

Trustee Mosca so the concern would be if there is a fire we would loss pressure

Trustee Sacher what kind of fire are you talking about

DPW John said a major fire the hydrants both in the Woodbury Center and Harriman Commons that will do 22 hundred gallons a minute so if there is a major fire and your pumping 22 hundred gallons a minute the PRV's will not open up and let the water in from the high pressure to the low pressure until that tank drops about 25 feet which would put the higher end of Meadow Glen probably out of water. We never had it happen, this is the way the whole thing was designed and it is a concern

Trustee Shuart what would catastrophic be

DPW John like a major fire

Trustee Shuart like a wood fire

DPW John stated you could have multiple fires at same time you don't know everyone said Jamesway wouldn't burn either and it burned it's a concern you need to get additional sources in that low pressure system

Mayor Welle and that was your recommendation that we start looking for additional sources of water

DPW John that's correct I brought it up before

Trustee Mosca is that something they should have looked at in the report

DPW John I don't know what was asked of them for the report from the Board, I was not involved in that

Trustee Mosca who directs that

DPW John I guess the Board

Mayor Welle Cusack was asked to do an adequacy report on Ben's suggestion

**VILLAGE OF HARRIMAN, NEW YORK  
VILLAGE BOARD MEETING  
OCTOBER 8, 2013  
Page 6**

**WOODBURY PLAZA – LOCEY LANE - (cont'd)**

Trustee Mosca so fire flows should be looked at

Mayor Welle fire flows were addressed and fire flows were good, John is talking about if we had a catastrophic event

Trustee Sacher on the low pressure end

DPW Supt John stated yes

Trustee Mosca that is on the lower pressure side of our system

DPW Supt John that's correct

Trustee Mosca would it be the same on the high pressure, would we have the same problem or not

DPW Supt John stated the only way you'll have that problem if is the water tank was to drop approximately 25 feet those PRV start opening up it is going to pull everything on the hill over to the low pressure, you have more wells in the high system then you do in the low pressure

Trustee Mosca stated so \$18,000. May not be enough to alleviate the problem if there is a problem

DPW Supt stated we need to get additional sources in the low pressure system

Trustee Mosca would \$18,000 do that?

DPW Supt John stated I do not think so

Mayor Welle stated you have the potential for that today without this

Trustee Mosca stated if we have a potential for this today without this then we definitely should not be added the system correct?

DPW Supt John stated I am just letting the Board of the potential deficiency

Trustee Sacher when you say there is a fire in Wal-Mart, how much water gets pumped through to fight a good size fire at Wal-Mart.

DPW Supt John as much as the hydrant will produce and the truck can put out, most of the pumpers now are 1750 to 2000 gallon a minute pumpers

Trustee Sacher and these hydrants pump at that

DPW Supt John they pump about 2200 gallons a minute so you are taking your water storage and your depleting your water storage fighting a fire and when the fire flows die down now you have 355 gallons per minute that's if you don't hit the 25 foot levels were the PRV all come in now you have 355 gallons per minute pumping back to 1.5 million gallon water tank also serving your domestic as well as filling your storage back up

Attorney Tuohy so is the fear you can't put out the fire or that the people will be out of water for a little while

DPW Supt John the fear is I am concerned of we only have three wells in the low pressure system a total of 355 gallons a minute you get a major fire and you use your storage facility 1.5 million gallons if you use 500,000 gallons of it it is a third of the tank now you have to total back up those three wells that handle the domestic demand of the customers

Attorney Tuohy but is the concern you cannot put out the fire

DPW Supt John no you are going to put out the fire

Talk by numerous people at once cannot make out

DPW Supt John no the fear is running out of water

Attorney Tuohy oh okay

DPW Supt John then you have to start scratching your head and go for a tanker operation look for lakes in the area to drain from

Trustee Mosca so \$18,000 may not be adequate to solve the issue or help solve the issue

DPW Supt John I cannot answer that

Trustee Mosca who could answer that

DPW Supt John you know what you spent on North Main building a test well over there, it's expensive

**VILLAGE OF HARRIMAN, NEW YORK**  
**VILLAGE BOARD MEETING**  
**OCTOBER 8, 2013**  
**Page 7**

**WOODBURY PLAZA – LOCEY LANE - (cont'd)**

Trustee Mosca so that should be something that should have, were your concerns known to this prior to this report

DPW Supt John I spoke to Tom Cusack about it as well

Trustee Mosca and what was his response to that

DPW Supt John he issued the report my concerns most of his numbers are accurate he is basing his numbers on a 24 hour pump cycle this Village has always taken the conservative approach of an 18 hour pump cycle which drops it down to a 1.4 million gallons down to about 1.1 million but he understands the fire flows which is kind of out of his realm that's more engineering you know hydraulics and modeling that's engineering he did what he was asked to do

Trustee Mosca so is there something else we should be asking to be done to make sure that we are covered.

DPW Supt John in my letter to the Board we better start looking into additional water sources in the low pressure system, we need to start doing something

Trustee Mosca what I am asking is do we need more information to make a decision tonight

DPW Supt John I gave you what I have and I put it in writing I don't know what more I can do.

Trustee Mosca so is there something that should be added to the report or another question asked of Cusack

Trustee Sacher more specifically on the low pressure side if there is a major fire what happens

Trustee Mosca agreed, that would be the question I think so we are not just agreeing to something that could be a potential detriment to our system

DPW Supt John stated you are getting into two separate things here because when you start to talk about a large volume of water being used it becomes a hydraulic situation which you would take to your engineer

Trustee Mosca stated so that would be Lanc & Tully

DPW Supt John stated yes all Tom was asked to do was give an adequacy report of how many wells we got plus the production

Trustee Mosca so should we propose this question to Lanc & Tully and ask them to do a study

DPW Supt John couldn't make out what he said

Trustee Shuart did they do fire flows isn't that part of what they did

DPW Supt John stated they did the fire flows

Trustee Shuart they said it would be adequate

DPW Supt John that's correct it is adequate in the distribution system with the water tank full

Trustee Shuart isn't the water tank full

DPW Supt John usually the water tank is full but if you have a major event where you pull a lot of water to replenish that storage tank you only have three wells that produce a total of 355 gallons a minute to fill that tank back up plus handle all the customers in the low pressure zone. The flows are there that is not the issue but if you do a prolong fire where you use 2, 3, 4, 5 hundred thousand gallons of water that is where the problem will come in

Trustee Shuart wouldn't this be true on a high pressure side then too

DPW Supt John on a high pressure side... Trustee Shuart started talking

Trustee Shuart said any huge fire I am missing something here

DPW Supt John stated the high pressure side has more wells in in

Trustee Sacher and Trustee Shuart stated so they would fill up faster

DPW Supt John stated we have 700 thousand gallons right now at the high pressure system and you have eight wells on the high pressure system on the low pressure system you have twice the water storage and only three wells

Trustee Sacher how long will it take those three wells if there were no other usage and you drained the storage tank how long would take those three wells to fill that storage tank do you have any idea

**VILLAGE OF HARRIMAN, NEW YORK  
VILLAGE BOARD MEETING  
OCTOBER 8, 2013  
Page 8**

**WOODBURY PLAZA – LOCEY LANE - (cont'd)**

DPW Supt John well those three wells 355 gallons a minute times 60 times 18 actually you would go by 24 because you are going to be trying to pump 24 hours to try to fill

Trustee Sacher and there is two shopping centers on that low pressure

DPW Supt John Two major shopping centers and a hotel

Trustee Mosca so is Target and all that up there

DPW Supt John and Mayor Welle stated Target is on the high pressure system

Trustee Mosca stated so then you have Wal-Mart, Home Depot on the low pressure

Trustee Sacher stated BJ's

DPW Supt John stated Meadow Glen is all in the low pressure

Trustee Mosca stated so BJ's Meadow Glen what about where Outback is and all those stores

Trustee Sacher stated Woodbury Kohl's

DPW Supt John Karl stated they are all low pressure

Trustee Shuart said to Trustee Sacher so we should pay for this study

Trustee Sacher stated no we shouldn't pay for the study

Trustee Mosca stated so all that is on that system

Trustee Sacher stated to Trustee Shuart the developer should pay for the study

Trustee Mosca and Panera bread is going to be added to this as well

DPW Supt John yes

Trustee Mosca so we actually have two more to possibly add to this system

DPW Supt John the only thing over there that is not on the low pressure is lot # 4 which is everything up by Target

DPW Supt John stated that after figuring out on his phone it would be approximately a half a million gallons based on a 24 hour pump cycle

Trustee Sacher was speaking with Trustee Shuart and then stated what did he say

DPW Supt John stated to have those three wells available to be put back into the system over 24 hours

Mayor Welle stated plus whatever you got from the high pressure system by opening the PRV's

DPW Supt John if they open

Mayor Welle stated they can be manually opened too

DPW Supt John stated that is correct

Trustee Sacher stated you can manually open them

DPW Supt John correct we had the HBP1 well when that was down I had to open the high pressure to let water in to the low pressure so we didn't run the other two wells down around the clock

Trustee Sacher so you can manually open the valve to help fill the low pressure side from the high pressure side

DPW Supt John yes

Trustee Mosca so the only one who looked at this was Cusack, Lanc & Tully has not looked at this

DPW Supt John I do not know I am not aware of that I do not know

Mayor Welle stated Lanc & Tully did the fire flows going back I believe

DPW Supt John they did the fire flows on the distribution system all the hydraulic grades and stuff for the PRV's when it was all calculated it was done by John Lanc

Trustee Mosca okay so if something happens our engineers are on the hook I would hope

Trustee Sacher how difficult is it to manually open

DPW Supt John we need to send someone down to open a 12 inch valve over on Melody and Bailey Farm Road

Mayor Welle looking at additional wells is something that we should always be investigating possibilities there has been pieces of property that have been looked at

**VILLAGE OF HARRIMAN, NEW YORK  
VILLAGE BOARD MEETING  
OCTOBER 8, 2013  
Page 9**

**WOODBURY PLAZA – LOCEY LANE - (cont'd)**

Trustee Mosca so how did we come up with the \$18,000

Mayor Welle stated based upon 10 years of meter charges approximate cost, when I spoke to Ben about it about some kind of formula he was basing upon debt service and since we don't have debit service it was actually attached to taxes this was the next best thing we could come up with and it was a justifiable way to coming up with a Capital Contribution. They also are paying for the adequacy study that was shouldered by them

Trustee Mosca how big of a building is this going to be

Mayor Welle four retail I believe small retail you know strip mall

Trustee Mosca no I don't know I haven't seen any plans

Mayor Welle I am just going by what the presented when they were here

Trustee Sacher said they said a Starbucks kind of size

Trustee Mosca stated so a lot of water usage

Trustee Mosca stated I am just concerned \$18,000 is not enough to cover any issues

DPW Supt John stated I think they projected 6000 gallons a day

Mayor Welle with the final numbers they came up with were just under 4500 gallons per day and that would be a maximum usage

DPW Supt John again my concerns are not the average daily demand it's the fire flow and the impact it would have on the low pressure system that is my concern

Trustee Mosca stated I believe a study should be done on this and someone should tell us that that's no problem our engineer or someone's engineer should tell us that it would not be an issue

Mayor Welle stated if you have a catastrophic event you are going to have a problem with water regardless

Trustee Chichester no matter how many wells we have

Mayor Welle depending on how bad it is, we already had issues with water when the fire dept. been operating

Trustee Mosca okay

Mayor Welle it is something you always have to look at

Trustee Mosca that is fine, I am just not sure how we came up with the \$18,000 it just seems low to me. I am not sure I am just stating my thoughts.

Trustee Sacher Ben's formula right?

Mayor Welle yes

Mayor Welle - There is a Motion and a Second on the floor is there any other discussion

**AYE:** Trustee Chichester  
Trustee Sacher  
Trustee Shuart

**NAY:** Trustee Mosca



**VILLAGE OF HARRIMAN, NEW YORK  
VILLAGE BOARD MEETING  
OCTOBER 8, 2013  
Page 11**

**PUBLIC COMMENT:**

There were no comments from the public

**MOTION** was made by Trustee Shuart to enter into Executive Session for attorney/client privilege, and a litigation issue and personnel issue.

**SECOND** was made by Trustee Chichester.

**ALL IN FAVOR.**

Mayor asked that DPW Supt. John Karl stay for Executive Session.

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

Executive Session with Village Board, Village Attorney Marissa Tuohy, Esq. and DPW Supt John Karl.

**MOTION** was made by Trustee Chichester to end Executive Session and return to Regular Session

**SECOND** was made by Trustee Mosca

**ALL IN FAVOR**

**MOTION** was made by Trustee Chichester to hire Len Kessler as Special Prosecutor for a 4 month trial to prosecute V & T for the Village of Harriman at a rate of \$300.00 per session. This will be reviewed by the Village Board prior to the end of the 4 month trial which will commence as soon as the court can set it up.

**SECOND** by Trustee Mosca

**ALL IN FAVOR**

**MOTION** was made by Trustee Shuart to authorize the Mayor to negotiate a contract with Daniel Henderson for the position of Police Chief. The contract will be subject to Board Approval.

**SECOND** by Trustee Mosca

**ALL IN FAVOR**

A **MOTION** was made by Trustee Shuart and **SECONDED** by Trustee Chichester to adjourn the meeting at 9:15pm.

**ALL IN FAVOR.**

Respectfully submitted by \_\_\_\_\_

Kelly Kearney, Village Clerk