

**VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
December 10, 2013**

**6:45 P.M. – AUDIT OF MONTHLY BILLS
7:15 P.M. – PUBLIC HEARING – LOCAL LAW #6 of 2013
7:30 P.M. – REGULAR MEETING**

PUBLIC HEARING – LOCAL LAW #6 of 2013 – Amending the Village Code Inconsistencies in the code regarding penalties for delinquent water accounts

Mayor Welle read the Public Notice,

LEGAL NOTICE
VILLAGE OF HARRIMAN
PUBLIC HEARING 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 Village Code to address and amend any inconsistencies in the code regarding penalties for delinquent water accounts at the Village Hall, 1 Church Street, Harriman, New York on December 10, 2013 at 7:15 p.m. or as soon thereafter as the matter may be heard.

If adopted, this local law will provide consistency throughout the Village Code regarding penalties for delinquent water accounts.

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: November 20, 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 being no comments, the Mayor left the Public Comment portion open for a couple of minutes in case anyone would show for this Public Hearing.

MOTION was made by Trustee Shuart to close public hearing.

SECOND was made by Trustee Chichester.

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

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ROLL CALL:

Mayor Stephen Welle, Deputy Mayor Edward Shuart Jr., Trustee G. Bruce Chichester, Trustee Lawrence Mosca, Trustee Christine Sacher, Village Clerk Kelly Kearney, Building Inspector Ronald Walker, DPW Supt John Karl, Police Chief Daniel Henderson, Police Sgt. Mike Cruz and Village Attorney Marissa Tuohy 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 November 12, 2013 Board Meeting. There being none, the minutes were accepted as written.

INFORMATIONAL ITEMS:

- Upcoming meeting dates:
 - Planning Board Meeting – December 16, 2013
 - Zoning Board of Appeals – January 8, 2014
 - Village Board – January 14, 2014

- Bills were audited:
 - \$451,708.18 General Fund
 - \$111,618.96 Water Fund
 - \$ 5,147.63 Trust & Agency

- Mayor Welle stated that we received a FEMA check in the amount of \$3,286.76 for a fence at HP #3 damaged in Hurricane Sandy this should be the final reimbursement for Hurricane Sandy. The Total collected was \$32,892.57 for storm related damage and time.

- In accordance with Village Codes
 - Code 132-15 No overnight parking in the Village from November 1st thru April 1st from 11pm – 6 am
 - Code 132-27.1 No parking at all on Village streets in snow events until snow has been cleaned off the roads

- Mayor Welle stated we were notified by the Orange County Water Authority that they approved our request for leak protection survey work. This will be at no cost to the Village and the Water Authority is contracting with NY Leak Protection to perform this work.

- Mayor Welle stated that the Public Service Commission put out their information regarding the winter outreach education. If anyone is interested we have pamphlets here at Village Hall regarding things they can do to get assistance with their heating bills and ways to reduce their bills also.

- Mayor Welle stated that the Planning Board and Zoning Board of Appeals still have openings. Anyone interested should submit a letter of intent to the Village Clerk.

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DEPARTMENT REPORTS:

DPW – see attached report.

Police Department – see attached report.

Building Department – see attached report.

\$ 630.00	building permits
\$ 50.00	certificates of compliance
\$ 200.00	certificates of occupancy (2 commercial & 1 residential)
\$ 0.00	Municipals
\$ 0.00	Sign Permit

Mayor Welle asked John Karl DPW Supt. regarding the 2003 Mason Body Dump truck and the 2002 Dodge pickup. You are recommending that we dispose of the Dodge pickup truck as opposed to the old Mason Body dump truck. Mayor Welle asked does the plow go with the pickup DPW Supt. John Karl stated we can put it with it.

Mayor Welle stated we will probably get money for the plow rather than the truck. DPW Supt John Karl stated the plow has not been used in probably over 5 years. Mayor Welle stated we really do not have a need for it anyway. DPW Supt John Karl stated we have no truck to put it on anyway, it would be better to put it with the truck. Mayor Welle stated that we should put the 2002 Dodge pickup out to bid with the plow. DPW Supt. John Karl agreed. Mayor Welle stated we would need a MOTION from the Board if they so desire to make the 2002 Dodge pickup surplus and put it on Auctions International for bid.

MOTION was made by Trustee Chichester to make the 2002 Dodge pickup and plow surplus and put out to bid on Auctions International as outlined by the Mayor.

SECOND was made by Trustee Mosca.

Mayor Welle stated if you need Ron (the Building Inspector) to come take pictures just let him know. DPW Supt. John Karl stated that would be great if you could come down when you have a chance. Building Inspector Ron Walker said he will come down to get the pictures.

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

LOCAL LAW # 6 of 2013 - Amending the Village Code to address and amend any inconsistencies in the code regarding penalties for delinquent water accounts

Mayor Welle stated we had a Public Hearing this evening; we had no verbal comments, and no written comments. It is amending Chapters 74 and 136 in the Code Book regarding delinquent water accounts.

MOTION was made by Trustee Shuart to adopt Local Law #6 of 2013 Amending The Code Book for delinquent water accounts

SECOND was made by Trustee Chichester

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

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Mayor stated it is a little cold out but someone is requesting the use of the Pavilion,

PARK REQUEST – Lisa & Brian DiBianco:

Mayor Welle stated that the DiBianco's are requesting use of the pavilion at Mary Harriman Park on May 3, 2014 from 11:00 am to 6:00 pm for a Communion.

MOTION was made by Trustee Chichester to approve the use of the park as outlined by the Mayor.

SECOND was made by Trustee Shuart.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

Mayor Welle asked Trustee Sacher if she would notify them. Trustee Sacher stated yes she would.

REQUEST WATER ACCOUNTS – Account # 4595

Mayor Welle stated this is a commercial account outside the Village. It is an irrigation account. They obviously had a leak. They have been notified and now they are requesting that we wait for the money. \$35, 240.00. The Mayor's recommendation is we notify them that they have to pay the bill give them a week or ten days and then late fees will go on. They did submit the letter on November 20, 2013, so this is a Board decision.

MOTION was made by Trustee Chichester that we notify them that they have 10 days from notification to pay this bill as outlined by the Mayor.

SECOND was made by Trustee Shuart.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

REQUEST WATER ACCOUNTS – Account # 5165

Mayor Welle stated this is a residential account within the Village. They landed up having a water leak due to their water softener. They are looking for some kind of relief. Mayor Welle stated we can discuss waiving it or setting up a payment plan.

MOTION was made by Trustee Chichester that we authorize the Mayor to set up a payment plan for this account.

SECOND was made by Trustee Shuart.

Mayor Welle stated as we have been advised by legal counsel the water did go through the meter, so they are responsibly for it. Trustee Chichester agreed this will just help them pay it. Mayor Welle also stated they are within the Village as well.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

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WATER TANK AND MAIN EXTENSION BIDS –

Mayor Welle stated this went out to bid with a bid opening of December 4, 2013 at 3pm. This was for a 687,000 gallon Harriman Heights Water Storage Tank in the water main extension. There were two bids

DN Tanks in the amount of \$1,071,615.00 and
Preload in the amount of \$1,511,194.00

Mayor Welle stated the bids have been reviewed by John Lanc and it is his recommendation that we award the project to DN Tanks

MOTION was made by Trustee Chichester to award the bid to DN Tanks for the amount stated in the letter dated 12/10/13 from John Lanc.

SECOND was made by Trustee Shuart.

Mayor Welle stated they will have to provide once they get the Letter of Award a Performance Bond and a Material Bond which will have to be reviewed by the attorney and there is a scheduled contact signing date set for January 16, 2014 at 10:00 AM at Village Hall.

Trustee Chichester stated to include this in his MOTION as well.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

PBA CPNTRACT – STIPULATION OF AGREEMENT

Mayor Welle stated this will cover June 1, 2012 thru May 31, 2016. It is a four year agreement. Mayor Welle stated that the major points of it are wage increases 2%, 2%, 2% and 2.5% in the 4th year and any and all new employees will pay 17.5% of their Health Insurance Premium.

MOTION was made by Trustee Shuart to approve the Stipulation of Agreement with the PBA as outlined by the Mayor.

SECOND was made by Trustee Chichester.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

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BUDGET TRANSFER REQUEST-

Mayor Welle stated we received a request from the Village Treasurer in a memo dated December 10, 2013 to approve the transfers.

MOTION was made by Trustee Chichester as outlined by memo dated December 10, 2013 from Treasurer Marie Coimbra to approve the transfers.

SECOND was made by Trustee Shuart.

Trustee Sacher stated I have a question regarding the General Fund down toward the bottom. We are removing from Hospital and Medical Insurance to Mayor Contractual. Trustee Sacher stated I do not understand that one. Mayor Welle stated what do you mean? Trustee Sacher why would we remove the money from there and put in the Mayor Contractual line. Mayor Welle stated it was a surplus. Trustee Sacher stated so that would go to Mayor Contractual. Mayor Welle stated that is where all the bills for 6 South Main are being paid from. Mayor Welle stated you see on budget transfer, so it is okay? Trustee Sacher stated okay.

AYE: Trustee Chichester
Trustee Mosca
Trustee Sacher
Trustee Shuart

NAY: -0-

VILLAGE CLERK REQUESTS –

CHANNEL 22 UPGRADE –

Mayor Welle stated the equipment has not functioned for some time now. Cablevision has for all intensive purposes abandoned it. It is beyond repair. We have been looking for quite some time to get a reasonable piece of equipment in here. We have three different companies here. Kelly has done a lot of work talking with them, calling them and gathering information. Mayor Welle continued by saying we did receive an approximately \$9,500.00 grant from Cablevision, that will more than cover this and hopefully any repairs for the next couple of years. Kelly has recommended we go with Key West Technology in the amount of \$5,964.00 which will come out of the grant money from Cablevision.

MOTION was made by Trustee Shuart to approve Key West Technology as outlined by the Mayor.

SECOND was made by Trustee Chichester.

Trustee Sacher asked Village Clerk if there is a yearly maintenance fee for this. Village Clerk Kelly Kearney stated no just the onetime cost but if we needed in the future to extend the warranty or anything we could. Trustee Sacher stated there is no yearly fee. Village Clerk stated no there is no yearly maintenance fee. The Village Clerk continued to state that she went to the Town of Woodbury which currently uses Leightronix but prior to that used Key West so I was able to see and work on both systems. The Village Clerk stated that she believe Leightronix was more than we needed and that Key West was easy to work on and exactly what we would looking for.

The Mayor and the Village Board thanked the Village Clerk

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

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VILLAGE CLERK REQUESTS – (Continued)

ANTI VIRUS –

Mayor Welle stated that the Anti-Virus software for the computer system in Village Hall is due to be renewed. Our Consultants Real Time is recommending we go with BITDEFENDER in the amount of \$154.00.

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

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

2014 VILLAGE BOARD MEETING SCHEDULE –

Mayor Welle stated we have the 2014 Village Board meeting schedule and the second Tuesday in November is set to fall on Veterans Day. Mayor Welle stated we need to change that if the Board has no objections we can make the November meeting on that Wednesday November 12, 2014.

MOTION was made by Trustee Chichester to approve the 2014 Village Board Meeting Schedule as outlined by the Mayor.
SECOND was made by Trustee Shuart.

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

ATTORNEY REPORT:

GAS EASEMENT - Generator at HP 1 Orange and Rockland can't grant an easement until they receive one from Central Hudson because it is actually in the Central Hudson area, even though they do not supply and Orange and Rockland does. Once O & R gets the easement from Central Hudson then they can work out an easement with the property owner for us to get gas to the Well for the generator.

ANNEXATION - Marissa stated she spoke with Mr. Galvin regarding this and she has spoken to Ben due to Galvin and Chapman saying two different things even though they both work for the same firm. We are going to prepare a Stipulation that we want so Ordered from the Court. Marissa stated that she was going to write it up and send it to Galvin and Chapman and then have Ben send it over to the Court to so Order it. Basically discontinuing their lawsuit and all their claims against us and giving them the land that would go back to them anyway.

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ATTORNEY REPORT: (Continued)

JJ WOODBURY - Marissa did send down to the Mayor a draft contract for the water for JJ Woodbury I forwarded it to the Engineer for review prior to sending it to the Board. Once I have it, I will get it to the Board for their review.

PUBLIC COMMENT:

There being no comments.

MOTION was made by Trustee Shuart to enter into Executive Session for issues regarding Litigation, Personnel with Police, Personnel with DPW Union and attorney/client/ privilege and a Building Department issue.

SECOND was made by Trustee Chichester.

ALL IN FAVOR.

At this time the Mayor asked if the Police Chief, Building Inspector and Village Clerk would stay for a few minutes.

Mayor thanked everyone for coming and wished everyone a Merry Christmas and a Happy New Year.

EXECUTIVE SESSION:

The following was given by Mayor Welle:

Executive Session was held with:

Building Inspector Ron Walker and Village Clerk Kelly Kearney dismissed at 8:10 pm

Police Chief Daniel Henderson dismissed at 8:30 pm

Village Attorney Marissa Tuohy dismissed at 8:40 pm.

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

SECOND was made by Trustee Shuart.

ALL IN FAVOR

MOTION was made Trustee Chichester to approve Village Clerk Kelly Kearney attending the Code Enforcement Basic Training in accordance with the documents presented by Building Inspector Ronald Walker.

SECOND was made by Trustee Mosca

ALL IN FAVOR

MOTION was made Trustee Mosca to purchase the Fidelity Gold Plus extended warranty for the 2010 Chevrolet Tahoe. 5 year 60,000 miles -0- deductible at a cost of \$2,402.00

SECOND was made by Trustee Chichester.

ALL IN FAVOR

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EXECUTIVE SESSION: (Continued)

MOTION was made Trustee Chichester to authorize the creation of a fourth Part Time Police Officer.
SECOND was made by Trustee Shuart.

ALL IN FAVOR

There was a discussion regarding the Year Ending 5/31/12 Audit, Board wants Discussion held over for more time to review.

A **MOTION** was made by Trustee Shuart and **SECONDED** by Trustee Chichester to adjourn the meeting at 8:55pm.

ALL IN FAVOR

Respectfully submitted by _____

Kelly Kearney, Village Clerk