

**VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
August 13, 2013**

**6:45 P.M. – AUDIT OF MONTHLY BILLS
7:15 P.M. – PUBLIC HEARING - 2013-2014 BUDGET
7:30 P.M. – REGULAR MEETING**

PUBLIC HEARING – CAPITAL HISTORICAL PRESERVATION RESERVE FUND

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 resolution establishing a capital account for the preservation, maintenance and restoration of historical sites located in the Village of Harriman at Harriman Village Hall, 1 Church Street, Harriman, New York on August 13, 2013 at 7:15 p.m. or as soon thereafter as the matter may be heard.

If not contested, the resolution will establish a capital account for the preservation, maintenance and restoration of historical sites in the Village of Harriman.

All persons interested in the subject of the proposed Resolution 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 Resolution 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: July 16, 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 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 July 9, 2013 Board Meeting or the August 8, 2013 Special Village Board Meeting. There being none, the minutes were accepted as written.

INFORMATIONAL ITEMS:

- Upcoming meeting dates:
 - Planning Board Meeting – August 19, 2013
 - Zoning Board of Appeals – August 21, 2013
 - Village Board – September 10, 2013
 - Two Special Meetings on August 14, 2013 and August 20, 2013 to conduct Police Chief Interviews.
- Bills were audited:

\$59,358.64	General Fund
\$44,093.94	Water Fund
\$10,170.35	Trust & Agency
- There is one addition to add to the agenda this evening
19 a Water Billing Concern
- Mayor Welle stated the Orange County Dept. of Health has announced two free rabies clinics. The first one being Sunday, September 15, 2013 from 10 AM until 12 PM at the Tractor Supply Store State Rte. 52 in Pine Bush. The second one will be Saturday, September 28, 2013 from 12 noon until 3 PM at the Multi-Activity Center on Washington Street in Newburgh. The fliers will be here in Village Hall if anyone needs any further information.
- Mayor Welle stated that on July 16, he and our attorney Marissa Tuohy attended another meeting on the Governance on the Orange County Sewer District; it has been an ongoing process for all the Communities involved.
- Mayor Welle stated we have gotten a new FEMA Representative for Hurricane Sandy paperwork. Things are finally starting to progress with that.
- We did receive a proposed budget for 2014 for Orange County Sewer District, I did send a letter back to Deputy Commissioner Hammond and everyone associated with this requesting that no budget be put in place until they do something about the odors and do something about real odor control at the sewer plant. I have not heard anything back as of yet.
- Mayor Welle stated that he did receive a letter from the State Office of Emergency Management with regard to Hurricane Irene. Once all the paperwork was finalized with that I did submit an appeal. I felt we were being short changed. I then sent several follow up letters and finally we were just notified they will restore over \$12,000 in funding that they cut out, when we will see the money I do not know but they have agreed to our appeal.

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- Mayor Welle stated that we have been notified that four properties have filed Tax Certioraris for this year.

ELT Harriman LLC which is the former Nepera
194 State Rte. 17M
Triangle Plaza
2 Commerce Drive Associates

That is three in the Town of Woodbury and One in the Town of Monroe. Mayor Welle stated that he knows that Woodbury will be fighting them. He is unsure as to how the Town of Monroe will handle this.

- Mayor Welle stated that currently the Village of Harriman which is one square mile is broken up into three County Legislator Districts. Which in theory we have three County Legislators. Over the years one has been missing in action most of the time. Effective January 1, with the re-districting we will be one Legislator District, part of district 14 which is part of the Town of Woodbury and part of the Town of Highlands. Currently this evening James DiSalvo, who is seeking election for that district is here. Mayor Welle stated he does not know if anyone else is running but if anyone is interested in speaking with him I am sure he will make himself available after the meeting.

DEPARTMENT REPORTS:

DPW – see attached report. Bills went out this month totaling \$295,166.73

Police Department – see attached report. Police received \$15.00 in funds

Building Department – see attached report.

\$ 720.00	building permits
\$ 0.00	certificates of compliance
\$ 0.00	certificates of occupancy
\$ 200.00	Municipals
\$ 25.00	Sign Permit

CAPITAL HISTORICAL RESERVATION RESERVE FUND –

Mayor Welle stated that a Public Hearing was held this evening, there were no written comments and no Public Comments.

**RESOLUTION ESTABLISHING A CAPITAL RESERVE ACCOUNT
FOR HISTORICAL PRESERVATION**

WHEREAS, the Village of Harriman believes it is important to preserve and maintain historical items and monuments located within the Village of Harriman, and

WHEREAS, the Village Board of Trustees has held a public hearing, and

WHEREAS, the Village Board resolves to establish a Capital Reserve Account for historical preservation.

NOW THEREFORE IT IS;

RESOLVED, that pursuant to § 6-c of the General Municipal Law, as amended, this Harriman Village Board does hereby create a “Capital Historical Preservation Reserve Fund” to finance the cost of maintaining, upgrading and preserving items and places of historical value in the Village.

It is the intent of this board to pay for necessary upgrades, maintenance and preservation of the items of historical value to the Village of Harriman.

The Village Treasurer is hereby directed to deposit monies of this reserve account in a separate bank account known as the “Capital Historical Preservation Reserve Fund” and to make only such

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CAPITAL HISTORICAL RESERVATION RESERVE FUND – (Cont'd)

withdrawals as may be authorized by the Village Board by resolution in accordance with the General Municipal Law.

The Village Treasurer is authorized to invest, from time to time, the monies of this fund pursuant to Section 6-f of the General Municipal Law.

The Village Clerk shall post and publish notice of adoption of this resolution in accordance with the General Municipal Law.

Dated: Harriman, New York
August __, 2013

By Order of the Village of Harriman
Board of Trustees

Kelly Kearney, Village Clerk

MOTION was made by Trustee Chichester to adopt the Resolution establishing a Capital Historical Preservation Reserve Fund

SECOND was made by Trustee Sacher.

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

PLANNING BOARD AND ZONING BOARD STIPEND POLICY – (see attached)

Mayor Welle stated this policy needs to be approved as written. In the future it will be added to the annual Organization.

MOTION was made by Trustee Shuart to approve the Planning Board and Zoning Board Stipend Policy.

SECOND was made by Trustee Chichester.

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

PROCUREMENT POLICY – (see attached)

Mayor Welle stated that through recommendations of the Auditor's report, we need a Motion to adopt this policy as written.

MOTION was made by Trustee Shuart to adopt the Procurement Policy as written.

SECOND was made by Trustee Sacher.

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

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FINANCIAL RISK ASSESSEMNT PLAN – (see attached)

Mayor Welle stated that we need to adopt this so that we have safeguards for the Village.

MOTION was made by Trustee Chichester to adopt the Financial Risk Assessment Policy as written.

SECOND was made by Trustee Shuart.

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

Trustee Mosca

Trustee Sacher

Trustee Shuart

ELECTION BALLOTS 3/19/13 –

Mayor Welle read a statement from the Village Clerk regarding destroying Election ballots:

Unopened, shrink wrapped, packages of unused ballots intended for the Harriman Village Election

March 19th, 2013 for Two Trustees (4 year term) and One Village Justice (4 year term) have been

destroyed by shredding. Below is the inventory of all destroyed, unopened packages of unused ballots:

Ballot # _____ 151 _____ - # _____ 450 _____

Total number of packages destroyed: _____ 6 _____

Date Destroyed: _____ August 14, 2013 _____

Also 56 Absentee Ballots unused will be destroyed August 14, 2013

Kelly Kearney, Village Clerk

MOTION was made by Trustee Chichester to approve the Village Clerk's request.

SECOND was made by Trustee Shuart.

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

Trustee Mosca

Trustee Sacher

Trustee Shuart

PARK REQUEST – Madrid Jacques

Mayor Welle stated that Madrid Jacques is requesting use of the pavilion at Mary Harriman Park on August 4th, 11th, and 18th, 2013 for family gatherings.

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

SECOND was made by Trustee Mosca.

AYE: Trustee Shuart **NAY:** -0-

Trustee Sacher

Trustee Chichester

Trustee Mosca

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PARK REQUEST – Jessica Sainato

Mayor Welle stated that Jessica Sainato is requesting use of the pavilion at Mary Harriman Park on September 14, 2013 for birthday party.

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

SECOND was made by Trustee Chichester.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

PARK REQUEST – Jennifer and Anthony Tantillo

Mayor Welle stated that Jennifer and Anthony Tantillo is requesting use of the pavilion at Mary Harriman Park on September 28, 2013 for birthday party.

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

SECOND was made by Trustee Chichester.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

PARK REQUEST – Elizabeth Lynch

Mayor Welle stated that Elizabeth Lynch is requesting use of the pavilion at Mary Harriman Park on September 22, 2013 for birthday party.

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

SECOND was made by Trustee Chichester.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

TRAINING REQUEST - TREASURER

Mayor Welle stated that the Village Treasurer is requesting to attend the Office of the State Comptroller Advanced Accounting School from October 29, 30, and 31st at a cost of \$85.00.

MOTION was made by Trustee Shuart to approve the training request from the Village Treasurer.

SECOND was made by Trustee Chichester.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

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DENTAL PLAN –

Mayor Welle stated that we received a proposal from Aetna and other insurance companies. It was agreed upon for Principal Life. This company will save the Village and employees on this. We need to approve Principal Life the new Dental Plan for the Village.

MOTION was made by Trustee Chichester to approve Principal Life as the new plan as outlined by the Mayor.

SECOND was made by Trustee Shuart.

Trustee Mosca asked all the benefits will stay the same? Mayor Welle stated yes they will.

AYE: Trustee Shuart **NAY:** -0-

Trustee Sacher
Trustee Chichester
Trustee Mosca

ASBESTO REMOVAL – 6 SOUTH MAIN STREET

Mayor Welle stated we requested proposals from three different companies on July 3. We have only received two quotes back and the cost on both of them is exactly the same \$16,500. It is open to the Board to pick from these two bids or hope for the third quote there was no return date given but they were all re contacted and asked to submit their quotes. Trustee Sacher asked when were they contacted the Mayor stated over a week ago he sent them emails.

MOTION was made by Trustee Chichester to approve Asbestos Corporation of America for the asbestos removal as outlined by the Mayor.

SECOND was made by Trustee Shuart.

Trustee Mosca asked did either come recommended and are they both doing the exact same thing. Mayor stated that insurance and license will be checked. Mayor stated that the names were given to him by the Company that did the inspection on the property. Trustee Sacher stated can one do it faster. Mayor did not know.

AYE: Trustee Shuart **NAY:** Trustee Mosca

Trustee Sacher
Trustee Chichester

WATER ACCOUNT #1455 –

Mayor Welle stated that this is the property at 6 South Main Street; the water account was never taken out of the previous owners name so a water bill was mailed to them. We need Board approval to close this account and reverse the charges. This is just the service charge for the meter.

MOTION was made by Trustee Shuart to authorize the water clerk as outlined by the Mayor.

SECOND was made by Trustee Chichester.

AYE: Trustee Shuart **NAY:** -0-

Trustee Sacher
Trustee Chichester
Trustee Mosca

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TRAINING REQUEST – VILLAGE CLERK

Mayor Welle stated that the Village Clerk is requesting to attend the NYCOM fall training school. It is being held in Saratoga Springs NY September 9, 2013 thru September 12, 2013. The approximate cost will be \$1408.00.

MOTION was made by Trustee Shuart to approve the training request from the Village Clerk.
SECOND was made by Trustee Chichester.

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

TRAINING REQUEST - DPW

Mayor Welle stated that the DPW Supt. sent a memo stating he would like authorization to send 6 men to Hudson Valley Water Works Conference on Thursday August 29, 2013 in Mary Harriman Park. The total cost is \$180.00

MOTION was made by Trustee Chichester to approve the training request from the DPW Supt.
SECOND was made by Trustee Sacher.

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

HARRIMAN HEIGHTS 1 – DISCUSSION

Mayor Welle asked DPW Supt. John Karl, John you believe this can be done in house. DPW Supt John Karl stated he has been speaking with his DPW worker that operates the backhoe and stated yes I do, we just need to get prices on roll off dumpsters. Mayor Welle stated we would probably be trying to unload it for a long time and have the liability. He asked if John could get us prices on the roll off and give us a time frame to remove and get back to the Board.

TOWN OF MONROE VS VILLAGE OF HARRIMAN (ANNEXATION) -

Mayor Welle asked if Marissa had drawn up any paperwork on the Annexation, that was completed five years ago and nothing was built on. This was property that was annexed to the Village of Harriman from the Town of Monroe with the condition that it was annexed in for senior housing and if senior housing was not completed or under construction in five years the property would revert back to the Town of Monroe and there has been no construction or final site plan or anything else approved by the developers. Marissa stated she spoke with their attorney Mr. Galvin; she wants to confirm the tax lots to make sure everything is correct. The Mayor stated that the date on the Resolution is also incorrect. The Mayor asked if the Board would like to approve this subject to verifying the Section Block and Lots, changing the date to reflect the right date.

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TOWN OF MONROE VS VILLAGE OF HARRIMAN (ANNEXATION) (Cont'd) –

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

SECOND was made by Trustee Mosca.

Trustee Shuart stated if it automatically reverts back why do we have to do this?

Marissa Tuohy stated because they sued us.

Trustee Chichester stated thank you Town of Monroe.

AYE: Trustee Shuart
Trustee Sacher
Trustee Chichester
Trustee Mosca

NAY: -0-

BUDGET TRANSFER REQUEST-

Mayor Welle stated we received a request from the Village Treasurer in a memo dated August 9, 2013 to approve the transfer.

MOTION was made by Trustee Shuart as outlined by memo dated August 9, 2013 from Treasurer Marie Coimbra to approve the transfer.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester
Trustee Mosca
Trustee Sacher
Trustee Shuart

NAY: -0-

LEXINGTON HILL WATER BILLING CONCERN –

Mayor Welle stated we received a letter from Lexington Hill regarding two questions having to do with the recent water billings, each building is billed separately and there is questions on two of them, it has not been resolved as of yet, they are requesting that as these are looked into that the Board approve receiving \$1000.00 on each of these two buildings which is more than their usual average until we can sort it out.

MOTION was made by Trustee Shuart to approve this partial payment at this time as outlined by the Mayor.

SECOND was made by Trustee Chichester.

AYE: Trustee Chichester
Trustee Mosca
Trustee Sacher
Trustee Shuart

NAY: -0-

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ATTORNEY REPORT:

- **Stipulation with Millwood LLC Hampton Inn** – Mayor stated this is complete we received check.
- **Right of Way Easement Agreement with Arden Forest** - Marissa gave out an easement agreement for the Board to look over and the Board would need to pass a Resolution to release funds for them. We will hold off to the next meeting so that the Board can look over. Mayor Welle stated we will put on Agenda for next meeting.

PUBLIC COMMENT:

Police Officer Johnny Motz from the Harriman Police Dept. read letter from Harriman PB (see attached)

Timothy Carr Past Chief of Harriman Engine Company #1 spoke on behalf of himself, Tom Lowe Past President of Harriman Engine Company #1, Lt. Sean Lowe and Firefighters Troy Schettig and Declan Lundington. He stated we are here tonight to express our support to Sgt. Mike Cruz for the Police Chief for the Village of Harriman Police Department.

There being no other comments

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

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 DPW Supt. John Karl.

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

SECOND was made by Trustee Chichester.

ALL IN FAVOR

MOTION was made Trustee Shuart to, on the advice of Counsel; restore 324 hours of accumulated sick time to Police Officer Phil Fagan. This is related to an absence on certain days 1/28/13 through 4/4/13 which PO Fagan has claimed a 207 C incident.

SECOND was made by Trustee Mosca

ALL IN FAVOR

A **MOTION** was made by Trustee Chichester and **SECONDED** by Trustee Shuart to adjourn the meeting at 9:30pm.

ALL IN FAVOR.

Respectfully submitted by _____

Kelly Kearney, Village Clerk