

**VILLAGE OF HARRIMAN, NEW YORK  
VILLAGE BOARD MEETING  
SEPTEMBER 25, 2013**

**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, Village Clerk Kelly Kearney

**Village Attorney Ben Ostrer of Ostrer & Hoovler not present as of yet**

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 September 10, 2013 Board Meeting or the September 17, 2013 Special Village Board Meeting. There being none, the minutes were accepted as written.

**INFORMATIONAL ITEMS:**

- Upcoming meeting dates:
  - Zoning Board of Appeals – October 2, 2013
  - Village Board – October 8<sup>th</sup> and 22<sup>nd</sup>, 2013
  - Planning Board Meeting – October 21, 2013
- Mayor Welle stated we received from New York State a FEMA check for part of Hurricane Sandy in the amount of \$26,917.51.
- Mayor Welle stated regarding the lawsuit of Swartz vs. The Village of Harriman involving # 5 Grove Street, the matter has been resolved by the Insurance Co. and the action of Discontinuance by the Plaintiff was filed. There were no monetary damages assessed. The plaintiff did drop the case.
- Mayor Welle stated yesterday morning I did attend a Press Conference at Cornwall Hospital regarding the partial closing of the Emergency Room. Assemblyman Skoufis is the one that held the Press Conference; there were a number of people there with quite a few speakers. A number of interesting things came out. One of them was what County Legislator Kevin Hines brought out, first of all no one was notified of this it was all brought out in a Press Release last week that the hospital was going to close and they were scheduled to close the ER this coming Tuesday October 1, but the interesting thing he brought out was that Orange County Disaster Preparedness Plan includes Cornwall Hospital and the County was never notified that they were contemplating closing the Emergency Room. It will be on going there are several people trying to stop it from closing.
- Mayor stated that last night was the Orange County Association of Towns, Villages and Cities regarding Exit 131 there was a Representative from the Governor's Office there. Trustee Chichester, Deputy Mayor Shuart and I did attend this meeting; letters were signed going to the Governor and Congressman Maloney seeking funds to get this project moving again. The Association did pass a Resolution in support which will go to the Governor and Congressman and next week the Orange County Legislation will be voting on a Resolution in support of Exit 131 and hopefully they will do something.

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**TRAINING REQUEST – TREASURER –**

Mayor Welle stated that the Treasure Marie Coimbra would like to attend the upcoming NYSHIP Regional meeting. It will be on Tuesday, October 22<sup>nd</sup>. There is no cost to the Village.

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

Trustee Mosca stated what is NYSHIP?  
Mayor Welle stated New York State Health Insurance Plan.

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

**WATER ACCOUNT – 8145 –**

Mayor Welle stated this customer is looking for the water meter charge to be waived. The Mayor stated that the water meter charge is put on the beginning of every billing quarter. That is what was done here, they finished one quarter and started another although she did move out the meter charge is not something that is pro-rated according to our Code. The Mayor asked if the Board would like to make a MOTION on this. Mayor Welle stated hearing none, the request is denied. The customer will need to be notified by the Water Clerk.

**CAPITAL WATER RESERVE – WITHDRAWAL**

Mayor Welle stated there have been several issues with wells over the last month and a half or so. We had serious issues at the Arden Booster Station, HBP 1, and North Main test well. We need authorization to expend up to \$40,000. Out of the Capital Water Reserve account for these ongoing repairs

**MOTION** was made by Trustee Chichester to authorize as outlined by the Mayor.  
**SECOND** was made by Trustee Shuart.

Mayor Welle stated this does need to be published in the newspaper the 30 day Permissive Referendum

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

**Let the Minutes reflect that the Village Attorney Ben Oster of Ostrer & Hoovler arrived at 7:37 PM**

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**GOLD'S GYM REFUND REQUEST –**

Mayor Welle stated that at the Village Board meeting on September 10, 2013 Mike Hagopian presented a copy of a check from Monroe Woodbury Health & Fitness Center Inc. dated May 26, 2011, made out to “Village of Harriman Fire Reserve” in the amount of \$8,045.46. It was noted in the memo that this was paid under protest. Mike stated that he would like a refund as the Fire District had already been formed when the check was issued. The Monroe Joint Fire District commenced on January 1, 2011.

An investigation into this payment revealed the following:

1. The fact that this payment was made under protest was never brought to the attention of the Mayor or Trustees by former Clerk-Treasurer Nazzaro.
2. Former Clerk-Treasurer Nazzaro and or former Deputy Clerk Quercia did not collect fire protection fees prior to the building permit being issued as they should have. (building permit issued 4/09, CO issued 5/22/11)
3. The amount of fire protection fees collected was incorrect. The amount should have been \$14,078.50.
4. As the fire protection fees were collected after the formation of the Fire District, and on advice of the Village Attorney, the amount of \$8,045.46 should be refunded to the Monroe Woodbury Health & Fitness Center, Inc.

**MOTION** was made by Trustee Mosca to approve the refund as outlined by the Mayor.  
**SECOND** was made by Trustee Sacher.

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

Mayor Welle now stated we need a **MOTION** to authorize \$8,045.46 be transferred from A.1900.400 Contingent Account to A.1930.400 Judgments and Claims.

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

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

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**DPW SUPT. REQUEST – HH-1 –**

Mayor Welle stated we received a request from DPW Supt John Karl for the well that has been abandoned to be removed. We received three quotes for dumpsters. Marangi being the cheapest at \$250.00. DPW Supt is estimating three dumpsters. There is a big difference in the three of them, but I recommend we approve Marangi for the dumpster for the removal of debris from HH1.

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

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

**NAY:** -0-

**ATTORNEY REPORT:**

**GAS EASEMENT** – Mayor Welle asked do you know if Marissa contacted, Attorney Ostrer stated I believe she did have some conversations, but I do not have an update on that.

**TURSO LITIGATION** – Attorney Ostrer stated he has information regarding that for Executive Session.

**PRO-SOURCE TECHNOLOGIES** – Mayor Welle stated did you see that, do we have to do anything regarding that? Attorney Ostrer stated no, ignore it.

**TOWN OF MONROE VS. VILLAGE OF HARRIMAN** – Mayor Welle stated I believe we are still waiting to hear back from Mr. Galvin on this. Attorney Ostrer stated that is correct.

**PUBLIC COMMENT:**

There being none.

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

**SECOND** was made by Trustee Shuart.

**ALL IN FAVOR.**

**This Executive Session will take place with members of Teamsters, Police Dept. and Special Counsel Mark Reinharz**

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

Executive Session was held. Discussion of grievances filed by Phil Fagan and the Teamsters.

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

**SECOND** was made by Trustee Mosca.

**ALL IN FAVOR**

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A **MOTION** was made by Trustee Sacher and **SECONDED** by Trustee Mosca to adjourn the meeting at 10:15pm.  
**ALL IN FAVOR.**

Respectfully submitted by \_\_\_\_\_  
Kelly Kearney, Village Clerk