



Village of Harriman

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Harriman, New York 10926
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**SPECIAL MEETING of the VILLAGE HARRIMAN
BOARD of TRUSTEES
APRIL 16, 2024
REVISED**

7:00PM – Special Meeting

AGENDA

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. WATER AGREEMENT – J Squared Builders Inc.**
- 3. WSP Contract – MH1A**
- 4. AUTHORIZE Mayor to SIGN GRANT DISTRIBUTION AGREEMENT - Crest Grant 26534**

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7:00pm – Special Meeting

ROLL CALL: Mayor G. Bruce Chichester, Deputy Mayor Wayne Mitchell, Trustee Sandra Daly, Trustee Carol Schneider, Village Clerk Jane Leake and Attorney Dave Darwin

ABSENT NONE

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

MOTION to open the meeting by Trustee Schneider. **Seconded** by Deputy Mayor Mitchell.
ALL IN FAVOR

WATER AGREEMENT – J Squared Builders Inc

Attorney Darwin stated J. Squared Builders has a two-lot subdivision. I believe the owner has conditional final approval and one of the conditions is a Water Agreement between the Village of Harriman and the owner. The Board had passed a Resolution a couple of years ago agreeing to provide water for this two-lot subdivision. Mr. Edwards has the proposed Agreement I sent to him quite some time ago, along with the Board. I asked Mr. Edwards by email if he was prepared to proceed with the Agreement and he responded by email, yes, he was. So, the Board is voting tonight to authorize the Mayor to sign the Agreement and that would be subject to receipt of signed Agreement from Mr. Edwards.

Trustee Schneider asked what about the receipt of Capital Contribution? Does that come before or after?

Attorney Darwin replied it comes before the water is provided in accordance with the terms of the Agreement.

MOTION was made by Trustee Schneider to authorize the Mayor to sign the J Squared Builders Inc Water Agreement.

SECOND by Deputy Mayor Mitchell

AYE: Deputy Mayor Mitchell
Trustee Daly
Trustee Schneider

Mr. Edwards stated I would like a chance to address the Board if possible.

Mayor replied if the Board doesn't mind, we can allow Mr. Edwards to.

Mr. Edwards stated I am speaking because I am asking for some consideration. I will give you a brief history without being too long about how this whole thing came about. I built a house in 2020 on Beatty Circle off of Main Street. I had a good relationship with the Building Inspector, Highway Department and Water Department. Everything went great. Mayor Welle, at the time, came to me and said you know Paul, I heard that you were easy to work with and everybody liked working with you. He said we have other property for sale in the Village that you might be interested in. We are marketing it now, but I'll give you a heads-up to let you know when you can bid for it. I said, okay sounds good. That was two lots on South Main Street and James Street. It was part of the property of the Town Hall in the back. They sold it because they weren't utilizing the property anymore. So, we negotiated and came to a fair price and I bought the property. I built those two houses and again I had a good relationship with the Town and everything went well. At the same time, Greg Esparo of Harriman Auto came to me because

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he seen me working over there and said, "I have a lot over here in Harriman that I want to sell, if you are interested. I see you put the houses up here and you seem to know what you are doing." I said sure. I entered into an agreement with Greg and bought the property. I think it was in 2021. Unbeknownst to me, it was the first lot in the Town of Monroe. It wasn't actually Harriman. So, his commercial property is in Harriman and the first house is in Harriman, but that lot was the first lot in Monroe. Which I was unaware of. Not a big deal. I built houses in Monroe before with no problem. So, the lot was kind of tight, but I met all the setbacks. I didn't need any variance or anything like that. So, from talking to the Town Officials I understood the water supply went through the street over there. So, I found out it wasn't actually Monroe's it was the Village of Harriman. So, the Water Department made me aware. They said you can speak to the Village and they do outside water usage services. I said, okay. By that time Mayor Lou Medina was the Mayor. I spoke to him and I explained to him that it would be a lot easier for me to hook into the water supply over here rather than drill wells. It will also be a lot cheaper. Wells are about \$10,000.00 a piece or something like that and I dealt with you guys with the Water Department and tied into the water. He said, yeah that is no problem. I have to get it approved by the Board and there will be tapping fees and stuff like that, but the same as what you have done in here. The only caveat is an Outside User Agreement. The water usage is a little more expensive for the end user. I said okay, I intend to sell the house. I am going to build the house to sell anyway. He said great. He brought it before the Village Board. They approved it unanimously. I think you were a Board member at the time and you signed on. At that time, I had no conditions about Capital Improvements or anything like that. If you looked at the Resolution, there was no conditions about Capital Improvements. It was necessary all the applicable fees, which I already have dealt with and the only caveat was being an outside user and the water usage was a little more expensive for the end user. I agreed. I used that Agreement when Lou Medina gave it to me as the basis for me to get approval at the Planning Board in Monroe. So, at the Planning Board in Monroe I ran into a bit of a hiccup because they just implemented a tree code in Monroe. That is the only Town around here with a tree code. I was like the poster child for the tree code on the first lot that was small and heavily wooded and they wanted me to pay like \$100,000 in parkland fees to build there because I had no where to replant trees on the property because it was too tight. We went back and forth and it took a while, but the whole time I used that Water Agreement I had. My Engineer used it, got it approved by the Towns Engineer and stuff like that and I finally was just approved a couple of months ago. One of the things they said was, we need something more official other than just the Resolution from the Village Board's unanimous Resolution I have. We need a contract so we can file it with your maps. I said, okay I will speak with the Village and Village's Attorney Mr. Darwin. Mr. Darwin said, let me look into it. Send me over the stuff and everything and then I will see if I can get this moving. Mr. Darwin then had told me, we have to get it approved by the Board, but we can do this. But are you aware of the Capital Improvement? I said, no there is no Capital Improvement.

Mayor replied Capital Contribution.

Mr. Edwards continued Capital Contribution. I said no, but what is it? He said it is \$30,000.00. I said what? He said, it is because they want Capital Contribution to connect to the water as an outside user. I said, but that wasn't part of the original thing. He said, (not in these exact words), you take it or leave it, that is the way it is. Unfortunately, I can't go back to do wells or anything like that because I would. Because with that Capital Improvement of \$30,000.00 plus all the other associated fees with the Village of Harriman besides the wet tapping fee, because it is an active water main in the street, you have to pay a specialty company that the Water Department has recommended I use because they are only allowed to use certain vendors. I am up to like \$50,000.00 for water with all of those costs. All I am saying is I would like and I am throwing myself at the mercy of the Village Board for some consideration with all of the conditions and what has transpired in between that time. And again, I don't have any options. My

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back is against the wall because now they are holding the building permits over my head, like you need this contract. I get it. Things change in the Village and stuff like that. But again, if I could do it all over again, if there was a Capital Improvement Contribution that I was made aware of, I would have never had used that because I could have drilled wells up there. The problem is I can't go back before the Planning Board now because it would take me another six or eight months and tens of thousands of dollars and then there is no cost savings. So, I am just asking for some consideration because of the circumstances that transpired. I am being completely transparent with you guys. Like I said I have a great relationship with the Town Official and stuff like that and I have worked well with the Town and I have a history here of being a responsible builder.

Mayor asked can the Board make a decision or is that another agenda item for later on?

Attorney Darwin replied the Board already adopted a Resolution authorizing you to sign the contract as it's been proposed and written. If the Board wants to reconsider whether or not you want to sign that contract, you should rescind that Resolution. If the Board wanted to entertain further negotiations for Mr. Edwards it can do so and then the Board can decide what they want to do. But as it stands right now the authorization is for the Mayor to sign the contract as written with a capital contribution. Capital Contribution has been the policy of this Village for longer than I have been Village Attorney in the last ten years. There has never been an exception to the Capital Contribution, particularly for outside users. It is up to the Board.

Trustee Daly asked can we take a minute in Executive Session to discuss it so we can try to do something tonight or do you want to put it on for another time? Whatever you guys want to do?

Attorney Darwin replied you can go into Executive Session and then come back out and finish the agenda or you can finish the rest of the agenda and then go into Executive Session. However, you want to do it?

Deputy Mayor stated we are going to go through the remainder of the agenda then Executive Session.

WSP CONTRACT – MH1A

Mayor stated the Board has information on this contract.

MOTION was made by Deputy Mayor Mitchell to authorize the Mayor to sign the WSP MH1A Contract.

SECOND by Trustee Daly

AYE: Deputy Mayor Mitchell
Trustee Daly
Trustee Schneider

Trustee Schneider stated I noticed here that the design documents will be prepared and then submitted for review at 90% of the completion stage. Shouldn't we be seeing them sooner than that as they sort of develop through? That is basically 100% done. For our own clarity on the progress.

Mayor replied we have been moving forward with this because of the Village's necessity.

Trustee Schneider replied all right.

Deputy Mayor Mitchell asked is this Agreement any different than our previous Agreements with WSP?

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Attorney Darwin replied this one is specific to MH1A, but the fee schedule is in accordance with the general contract with hydrogeological services that we have already with WSP.

Deputy Mayor Mitchell responded fair enough.

AUTHORIZE MAYOR TO SIGN GRANT DISTRIBUTION AGREEMENT – Crest Grant 26534

Mayor stated the Board has the information on the CREST Grant 26534.

MOTION was made by Trustee Schneider to authorize Mayor to sign the CREST Grant Agreement 26534.

SECOND was made by Deputy Mayor Mitchell

AYE: Deputy Mayor Mitchell

Trustee Daly

Trustee Schneider

NAY:

NONE

MOTION was made by Trustee Daly to Enter into Executive Session for Attorney Client Privilege discussion.

SECOND by Deputy Mayor Mitchell

ALL IN FAVOR

MOTION was made by Trustee Schneider to adjourn Executive Session and return to the Regular Meeting

SECOND was made by Deputy Mayor Mitchell

ALL IN FAVOR

MOTION was made by Trustee Daly to rescind the motion that was made on the Water Agreement with J. Squared Builders and table it to our next meeting of May 14th for more consideration from the Board.

SECOND by Deputy Mayor Mitchell

ALL IN FAVOR

Discussion.

MOTION was made by Trustee Daly to adjourn Regular meeting at 7:37pm.

SECOND was made by Deputy Mayor Mitchell

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk