



Village of Harriman

1 Church Street
Harriman, New York 10926
TEL: (845) 783-4421
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VILLAGE BOARD MEETING DECEMBER 14, 2021

6:45PM – AUDIT BILLS
7:25PM – PUBLIC HEARING – LL#7-2021 (Zoning Map Amendment)
7:25PM – PUBLIC HEARING – LL#8-2021 (MRTA)
7:30PM – REGULAR MEETING

AGENDA

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES – November 9, 2021 and November 17, 2021**
- 3. INFORMATIONAL ITEMS**
- 4. DEPARTMENT REPORTS**
- 5. RESIGNATION – Deputy Clerk**
- 6. RESIGNATION - Justice**
- 7. RESIGNATION – Acting Justice**
- 8. APPOINT JUSTICE**
- 9. APPOINT ACTING JUSTICE**
- 10. VILLAGE CLERK NOTARY REQUEST**
- 11. LOCAL LAW #7-2021 – Zoning Map Amendment**
- 12. RE-ADOPT MRTA – Local Law #8-2021**
- 13. WATER ACCOUNT REQUEST - 673**
- 14. AUTHORIZATION TO SIGN PBA MOA**
- 15. AUTHORIZATION TO SIGN WSP BID DOCUMENT PREPARATION**
- 16. STANDARD WORKDAY – Van Haaster**
- 17. ESCROW REFUND – 38 Commerce**
- 18. BUDGET ADJUSTMENTS AND TRANSFERS**
- 19. ATTORNEY COMMENT**
- 20. PUBLIC COMMENT**
- 21. POSSIBLE MOTION TO ENTER EXECUTIVE SESSION**

UPCOMING MEETING DATES:

PLANNING BOARD MEETING:	December 20, 2021
ZONING BOARD OF APPEALS MEETING:	January 5, 2022
VILLAGE BOARD MEETING:	January 11, 2021

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6:45pm – Audit Bills
7:25pm – Public Hearing – LL #7-2021
7:25pm – Public Hearing – LL #8-2021
7:30pm – Regular Meeting

PUBLIC HEARING – Local Law #7
Mayor read:

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law rezoning the property identified as Town of Woodbury tax map parcel 108-1-10, also known as Lot B-12, ICC Site B, on Commerce Drive in the Village of Harriman consisting of approximately 7.8 +/- acres, and amending the official Village zoning map to reflect this amendment.

Approximately two thirds of the subject property is currently located in the I-Industrial Zoning District and the remaining one third is currently located in the PAD-Planned Area Development Zoning District rendering development of the parcel difficult and impractical. The Amendment will designate the entire parcel within the I-Industrial District to allow for development of the property that is consistent with the surrounding area and development pattern as it currently exists on Commerce Drive.

The hearing will be held at the Village at Harriman Village Hall, 12 Church Street, Harriman, New York on December 14, 2021 at 7:25 p.m. or as soon thereafter as the matter may be heard. A copy of the local law will be available for inspection at the office of the Village Clerk, 12 Church St., Harriman, NY.

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.

Mayor asked have we had any written comments?

Clerk replied no.

Mayor stated having no written comments I open it up to the public for any comment on this matter.

Charlie Bazydlo, Counsel for the owner of the property, stated obviously we are in favor of this local law. I appreciate the Boards efforts on getting this together and if the Board passes this local law it will make the development of the property more consistent.

PUBLIC HEARING – Local Law #8:
Mayor read:

Please take notice that the Village Board of the Village of Harriman will hold a public hearing to receive public comment on a proposed local law, pursuant to Article 6, § 131 of the N.Y.S. Cannabis Law, opting out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments in the Village of Harriman.

The effect of the local law would be to prohibit the establishment of retail cannabis dispensaries and on-site cannabis consumption establishments within Village limits. The local law is subject to a permissive referendum pursuant to Municipal Home Rule Law § 24 and Village Law § 9-902.

This public hearing will be held at Harriman Village Hall, 12 Church Street, Harriman, New York on December 14, 2021 at 7:25 pm or as soon thereafter as the matter may be heard.

A copy of the proposed local law is available for inspection at the office of the Village Clerk, 12 Church St., Harriman, NY., or by requesting a copy from the Village Clerk at 845-783-4421, or villageclerk@villageofharriman.org.

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All persons interested in the subject 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 Plan must be received by the Village Board at or prior to the public hearing.

Mayor asked have we had any written comments on this local law?

Clerk replied no.

Mayor stated having no comments I open it up to the floor for any comment from the public.

Andrew Chagaras – Candlewood – I am not a user, but I think that we shouldn't opt out. I feel like it would be good for taxes. I know that the Village of Woodbury is allowing it. Tuxedo is allowing it. I feel like for taxes reasons it would be a great thing possibly for the community. I don't really see that much harm in it. I am not an expert, but it is just how I feel. I feel it might be good for taxes or revenue, but you guys probably know much more about this than I do.

Jim Kelly – Oxford Lane - we live in a very small Village and he said taxes, will save on taxes. That is really not going to happen because once you start to involve other issues like these kinds of shops you have to increase your police and that is a large burden to this small Village as you all know. We don't even have a bar in Harriman. The people that are coming up and that I can see that are moving in are young families with children and I can see places that would want this. I can see larger Village's, but how many people live in this Village and we need a cannabis store and there is not even a bar in this Village. It is just a quaint little Village and if you ask the majority of the people, and I know you are thinking the taxes and that is not a bad thing. It would change the whole environment. I was kidding before about the Photo News. There is more DWI's that are policeman stop in this Village than you can believe. This is a small Village and I just don't see having something like that in a small Village like this. People are just buying their house and we have a lot of new people moving in with little children and I don't think that is the atmosphere they would really want to see over in Harriman. You mentioned Woodbury and Tuxedo. I don't know about Monroe or what they are going to do, but I think it is a bad idea. I think we should get out of it and not really be a part of it, just for the sake of the people living in the little Village. If they want to go let them go to Tuxedo or Woodbury, if that is what they want. If you want to go shopping, you have to go to Woodbury. Why do we have to have it here?

Mayor asked any other comments from the public?

MOTION was made by Trustee Chichester to close the public hearings. **SECOND** was made by Deputy Mayor Schneider
ALL IN FAVOR

REGULAR MEETING

ROLL CALL

Mayor Lou Medina, Deputy Mayor Carol Schneider, Trustee G. Bruce Chichester, Trustee Wayne Mitchell, Trustee Sandra Daly, Chief Patrick Tenaglia, Village Clerk Jane Leake, DPW Superintendent Kyle Livsey, Attorney Dave Darwin

ABSENT NONE

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

APPROVAL OF MINUTES

Mayor asked can I have a motion to approve the minutes of November 9th Board Meeting?

MOTION was made by Trustee Mitchell to accept the minutes of November 9th Board Meeting.

SECOND was made by Trustee Chichester

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AYE: Trustee Mitchell
Deputy Mayor Schneider
Trustee Daly
Trustee Chichester

NAY:
NONE

Mayor asked can I have a motion to approve the minutes of November 17th Board Meeting?

MOTION was made by Deputy Mayor Schneider to accept the minutes of November 17th Board Meeting.

SECOND was made by Trustee Mitchell

AYE: Trustee Mitchell
Deputy Mayor Schneider
Trustee Daly
Trustee Chichester

NAY:
NONE

INFORMATIONAL ITEMS

This evening's bills were audited:

Trust & Agency	\$ 4,036.98
General Fund	\$ 96,575.42
Water Fund	\$ 250,006.83
Engineering Fees	\$ 3,449.75

- Up Coming Meeting Dates:
 - Planning Board – December 20, 2021
 - Zoning Board of Appeals – January 5, 2021
 - Village Board – January 11, 2021
- Village Office hours are 8am-4pm and by appointment from 7-8am. Phone numbers and contact information can be found on the villageofharriman.org website.
- A lockbox is also available outside the Village Hall entrance for dropping off water payments or any other correspondence to or for Village Hall Staff. However, we do ask that you please do not leave cash in the drop box and the box is emptied on a regular basis.
- Residences and the Public can sign up on the Village website to receive email alerts about general information or information regarding water billings. Water customers can also pay water bills online at the villageofharriman.org website.
- Brush pick up continues – we ask that you please place brush untied at the edge of your property with the butt end out, not on the street and we do not accept grass clippings.
- We have one alternate position opening on the Planning Board and one vacancy on the Zoning Board of Appeals. Anyone interested please submit a letter of intent to the Village Clerk or contact me directly.
- A reminder that there is no on street overnight parking from November 1 – April 1 from 11pm – 6am and no on street parking during any snow event until the snow has been totally removed from the roads.
- Our Annual New Hat and Glove Drive ended on December 9th and the Deputy Mayor and I delivered them to Sacred Heart to be distributed to help families in our community. I want to thank everyone who was able to donate to this and to our Treasurer Marie Coimbra for coordinating this drive.

AGENDA ADDITION:

13b) Water Request 188

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DEPARTMENT REPORTS

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report – Funds \$30.00

Water Account Adjustments – see attached report

Court Reports – see attached report - October – \$16,073.00 – no distribution report from the Courts this month

Building Department – see attached report

\$ 500.00	5 Building Permits
1350.00	9 Violation Searches
<u>50.00</u>	1 Building Permit Extension
\$ 1900.00	

RESIGNATION – Deputy Clerk

Mayor stated the Board received a resignation letter from our Deputy Clerk on November 29th whose final day will be December 29, 2021.

MOTION was made by Trustee Daly to sadly accept the Deputy Clerks resignation effective December 29, 2021.

SECOND was made by Trustee Schneider

AYE: Trustee Chichester

Deputy Mayor Schneider

Trustee Mitchell

Trustee Daly

NAY:

NONE

RESIGNATION – Justice

Mayor stated the Board received a resignation letter from Justice Sharon Worthy-Spiegl effective December 14, 2021.

MOTION was made by Trustee Chichester to accept Justice Sharon Worthy-Spiegl's resignation effective December 14, 2021.

SECOND was made by Trustee Daly

AYE: Trustee Chichester

Deputy Mayor Schneider

Trustee Mitchell

Trustee Daly

NAY:

NONE

RESIGNATION – Acting Justice

Mayor stated the Board received a resignation letter from Acting Justice Kimberly Van Haaster effective December 13, 2021.

MOTION was made by Trustee Mitchell to accept Acting Justice Kimberly Van Haaster's resignation effective December 13, 2021.

SECOND was made by Deputy Mayor Schneider

AYE: Trustee Chichester

Deputy Mayor Schneider

Trustee Mitchell

Trustee Daly

NAY:

NONE

APPOINT JUSTICE

Mayor stated this is the appointment of Kimberly Van Haaster as Village Justice to fill the vacancy created by Justice Sharon Worthy-Spiegl's resignation. Village Law 3-312 provides vacancies in elective offices are to be filled by the Mayor. Justice Van Haaster's term will expire at the end of the current official year on April 4, 2022. The position will be on the ballot at the next Village General Election in March 2022.

MOTION was made by Mayor to appoint Kimberly Van Haaster to Village Justice effective December 14, 2021 with a term ending April 4, 2022 and the position being on the ballot for the March 2022 Election.

ALL IN FAVOR

APPOINT ACTING JUSTICE

Mayor stated this is the appointment of Sharon Worthy-Spiegl Acting Justice subject to Board approval to fill the vacancy created by Kimberly Van Haaster's resignation.

MOTION was made by Trustee Chichester to accept appointing Sharon Worthy'Spiegl Acting Village Justice effective December 14, 2021.

SECOND was made by Trustee Daly

AYE: Trustee Chichester	NAY:
Deputy Mayor Schneider	NONE
Trustee Mitchell	
Trustee Daly	

VILLAGE CLERK NOTARY REQUEST

Mayor stated the Board has received a request from the Village Clerk requesting approval for applying for a Notary Public Application with an application cost of \$60.00 and an examination fee of \$15.00 plus mileage (to be determined).

MOTION was made by Trustee Daly to accept the Village Clerk's Notary request at a cost of \$15.00 examination fee and \$60.00 application fee plus mileage to and from exam.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester	NAY:
Deputy Mayor Schneider	NONE
Trustee Mitchell	
Trustee Daly	

LOCAL LAW #7 – 2021 – Zoning Map Amendment

Mayor stated this is a local law amending Chapter 140 of the Code of the Village of Harriman entitled "Zoning" to amend the Official Zoning Map. Mayor read Local Law. We have also received today the 239 from OC Planning and they advised no evidence of significant inter-municipal or County wide impacts would result from its approval and had no advisory comments regarding this application.

MOTION was made by Trustee Daly to adopt Local Law #7-2021 amending Chapter 140 of the Village Code amending the Official Zoning Map.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester	NAY:
Deputy Mayor Schneider	NONE
Trustee Mitchell	
Trustee Daly	

Mayor stated we will make modifications to the unofficial zone map to include this change and two previous ones that never made it to the official map. I will have John Lanc work with you Dave to see that we can get that done and make it be the official zoning map which will include these changes.

LOCAL LAW #8 – 2021 (MRTA)

Mayor stated this local law was adopted last month and due to a clerical error. We need to re-adopt it this month and to redo it again. This is opting out from allowing retail dispensaries and off-site consumption establishments within the Village of Harriman as authorized by the New York State Cannabis Law. Mayor read Local Law. I just want to say, to the point of taxes, do you understand the way the Municipality receives taxes from this is only on what is sold or distributed or dispensed within the one-mile area of the Village of Harriman and we would also be splitting that small amount with the County and State. While it seems like it might be a boondogle for taxes. It really is only what is sold within the Village of Harriman should we not opt out.

MOTION was made by Trustee Chichester to adopt Local Law #8 – 2021.

SECOND was made by Trustee Daly

AYE: Trustee Chichester	NAY:
Deputy Mayor Schneider	NONE
Trustee Mitchell	
Trustee Daly	

WATER ACCOUNTS

Account 673 – Financial Circumstance and Payment Plan Request

MOTION was made by Trustee Chichester to approve waiving penalties in the amount of \$1,142.08 that incurred from September 2021 when he first came into Village Hall to address this situation up through December 2021. He has completed payment as of today.

SECOND was made by Trustee Daly

AYE: Trustee Chichester	NAY:
Deputy Mayor Schneider	NONE
Trustee Mitchell	
Trustee Daly	

Account 188 – Financial Circumstance and Payment Plan Request

LACK OF MOTION – DENIED – I will speak to the customer tomorrow.

AUTHORIZATION TO SIGN PBA MOA

Mayor stated this is an amendment to Article 6.4 the Tour of Duty to replace that section in entirety. It will take effect on January 1, 2022. The change is to allow shift bidding that shall be done in 4 month increments to commence on or about December 1st through March 31, April 1 through July 31st and August 1st through November 30th. I met with the PBA President and the entire group has agreed to this and looks forward to it. The Chief and I have also worked and discussed it and he is in agreement with it.

MOTION was made by Deputy Mayor Schneider to authorize the Mayor to sign the PBA Memorandum of Agreement effective January 1, 2022, through the duration of the existing contract of 2024.

SECOND was made by Trustee Daly

AYE: Trustee Chichester	NAY:
Deputy Mayor Schneider	NONE
Trustee Mitchell	
Trustee Daly	

Mayor stated thank you Chief for your help on this.

AUTHORIZATION TO SIGN WSP BID DOCUMENT PREPARATION

Mayor stated this is to sign a change order request from WSP for the preparation and administering of a bid document and bid request for the dilution system for Well HH3. The amount estimated cost is \$3,500.00.

MOTION was made by Trustee Chichester to approve and authorize the Mayor to sign the WSP Bid Document Preparation change in the amount of \$3,500.00.

SECOND was made by Trustee Mitchell

AYE: Trustee Chichester	NAY:
Deputy Mayor Schneider	NONE
Trustee Mitchell	
Trustee Daly	

STANDARD WORKDAY RESOLUTION – Van Haaster

Mayor stated this is to establish and record the standard workday for elective officials to NYS and the Local Employees Retirement System. This is required by the State to be done for Justice Van Haaster who was originally appointed by the Board in June 2021.

MOTION was made by Mayor to approve the Stand Workday Resolution for Justice Kimberly Van Haaster and for the Treasurer to report the days worked to NYS and the Local Employees Retirement System based on the record of activities maintained and submitted by Justice Van Haaster submitted to the Village Clerk and distributed to the Board.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester	NAY:
Deputy Mayor Schneider	NONE
Trustee Mitchell	
Trustee Daly	

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Deputy Mayor Schneider stated she has been actually switched tonight.

Mayor replied we can make that modification.

Deputy Mayor Schneider responded so we have to make a modification, okay.

Trustee Chichester stated I assume we are approving this for the time she was the Acting Justice.

Mayor replied it is actual now going forward. It is forever. Until it changes again.

Trustee Chichester replied so then that has to be changed.

Mayor responded she would actually have to do it again in March when she does become elected, she will have to submit another standard workday. At that time, she will be submitting it in March.

Trustee Chichester replied so then will approve that one, so this is fine.

Mayor stated it is likely going to change.

Trustee Chichester replied that is fine. Of course.

ESCROW REFUND – 38 Commerce Drive

Mayor stated this is an escrow refund request from the Planning Board Secretary regarding 38 Commerce Drive LLC 108-1-12. The balance is \$894.45 to close out the account. The project has been completed by the Planning Board phase and will now continue next with the Building Department.

MOTION was made by Trustee Chichester to approve refunding the escrow in the amount of \$894.45 to close the account for 38 Commerce Drive 108-1-12.

SECOND was made by Deputy Mayor Schneider

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

BUDGET ADJUSTMENTS AND TRANSFERS

Mayor stated the Board has received a request from the Treasurer for Budget Adjustments and Transfers. The Budget Adjustment is for transfer of funds received, which is the 8th Capital Contribution funds from the Shops of Woodbury of \$100,000.00 and the Budget Transfer is due to a Police Server Failure that occurred within the last couple of weeks. There was an emergency need for upgrading operating systems and application software to current levels. That is \$4,000.00 that budget transfer and due to new Officers coming on and additional uniforms needed to be purchased she will need to make a transfer of \$2,000.00.

MOTION was made by Deputy Mayor Schneider to accept the Budget Adjustments and Transfers request the Treasurer stated in the memo dated December 10, 2021.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell

NAY:
NONE

ATTORNEY COMMENT –

Attorney Darwin stated in regards to 4 South Main Street we had two more conferences with the referee since the last Board Meeting. One on December 2nd – the second lien holder was saying they still haven't received all the documents that they needed although they all had been sent. I mentioned during that conference that this Board was beyond impatient with the process and I also mentioned that there had been some discussion about the possibility of the Board adopting a Resolution to cancel the Contract and proceed with other options.

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The referee then scheduled a second conference for today. Today's conference we were informed that the second lien holder, the second lien holder is the problem not the first lien holder. The first lien holder approved the short sale and accepted the Village's amended offer. They have all the documentation now. It had a preliminary review. It has to go up the ladder for a final review. The first lien holder has extended the deadline within which this has to be concluded to January 10, 2022. Which is the day before the next Village Board Meeting. So, it appears as though, the closing would occur by the 10th. At least it appears as though there is a good possibility we will be closing on or before January 10, 2022. If there is no closing by January 10, 2022 the first lien holder has indicated that it is not going to extend that deadline any further. In which case the short sale approval would be null and voided and then the Village Board would proceed with the other options that it has to require the property. At least we know some progress has been made and everybody involved appears to believe we will be closing by January 10, 2022.

Trustee Daly replied thank you Dave it has been a long ride.

Mayor stated so it is January 10th or nothing at that point and we have our next Board Meeting the next night so we can let them know we are done at that point. The first lien holder is basically saying they are done too, and we would be done.

PUBLIC COMMENT –

Andrew Chagaras – I was wondering if it is possible – I know for drinking water they passed the Clean Water Act, can we jump in on that? I keep getting notices every once in a while and I read it as don't drink the water or drink at your own risk. I have one home that I live at with my family and I had an investment property, but I sold it last year because I didn't want to run in a predicament with someone not paying me, but the investment property was Lexington Hills and I would still get the same notices, don't drink the water.

Mayor stated we never issued a don't drink the water.

Mr. Chagaras well no, it says certain parts per million of uranium that are above the legal limit. I don't know if we can qualify if they are fixing things, it would be great to not get those notices.

Mayor replied it would be great for us not to have to send them.

Mr. Chagaras if it is possible that would be great. I am all for it, plus I also have my own Plumbing, Heating, Cooling Company and I bid State work so I would love to do the work as well.

Mayor responded what we actually did last month is we just authorized grant money that we are pursuing three separate grants to help mitigate the situations that we are dealing with here in the Village with having to dilute to get the levels at the right level or to expand old Booster Stations. So just last month the Board approved and the grant applications are already in place for doing things that can help mitigate the situation because we have to be proactive too.

Mr. Chagaras replied that's great, nice and of course.

Mayor stated and those are all funded under the Clean Water Act. Federal Funds are available to us. We are trying to pursue as many as we can and have three so far.

Bruce Abrignani – 87 Route 17M – I have an ongoing problem for years as far as the water coming down from behind my property and over the years with the rainstorms it is getting worse and worse. The inside of my building has taken on water and I just need some guidance. Is it the Town of Monroe's problem or a State problem or the Village of Harriman problem? I am coming here first to try and get some direction because as development of Harriman Heights Road gets worse, I'm sure my building will incur more damage. So, I am trying to get some direction.

Mayor stated Kyle I'm sure you discussed this with Bruce Abrignani?

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Kyle replied yes.

Mr. Abrignani replied several weeks ago.

Mayor asked did that help to figure out where you need to be?

Mr. Abrignani replied it is a starting point, but I think we need a conference between people who know what is going on between the County or State.

Mayor asked is a portion of it privately owned right behind you?

Mr. Abrignani replied behind me is private property, but it comes on their property from up the street. So, I mean water comes down the hill where the source is. It comes from culverts; private property and it comes down hill.

Mayor stated Kyle and I will talk more about it as well.

Mr. Abrignani replied thank you.

MOTION was made by Trustee Chichester to enter into Executive Session for Attorney Client Privilege to discuss an HR issue.

SECOND by Trustee Daly

ALL IN FAVOR

Mayor stated there will be no action coming out of Executive Session. Thank you everyone. Have a good Holiday. Safe trip home.

At this time, the Village Clerk was excused from the meeting.

The following was given by Mayor Medina:

Executive Session with David Darwin, Esq.

MOTION was made by Trustee Mitchell to adjourn Executive Session and return to Regular Meeting.

SECOND was made by Deputy Mayor Schneider

ALL IN FAVOR

MOTION was made by Trustee Chichester to adjourn Regular meeting at 8:20pm.

SECOND was made by Deputy Mayor Schneider

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk