



# *Village of Harriman*

1 Church Street  
Harriman, New York 10926  
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## **VILLAGE BOARD MEETING February 13, 2024**

**7:00PM – AUDIT BILLS**  
**7:25PM – PUBLIC HEARING LL#2024-01 (Tax Cap Override)**  
**7:30PM – REGULAR MEETING**

### **AGENDA**

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES – January 9, 2024**
- 3. INFORMATIONAL ITEMS**
- 4. DEPARTMENT REPORTS**
- 5. MAYOR’S APPOINTMENT – Deputy Mayor**
- 6. ORDEVCO AGREEMENT**
- 7. LOCAL LAW 2024-01 – Tax Cap Override**
- 8. ZBA RESIGNATION**
- 9. SCHEDULE PUBLIC HEARING LOCAL LAW 2024-02 – Stop Sign at Melody Lane**
- 10. SCHEDULE PUBLIC HEARING LOCAL LAW 2024-03 – Tax Exemption for Volunteers**
- 11. WATER ACCOUNT REQUESTS – a) 255 b) 146**
- 12. AUTHORIZATION TO SIGN MWCSO LEASE AGREEMENT – Month to Month**
- 13. RESOLUTION FOR WEBSTER BANK – Adding Trustee as Authorized Signor**
- 14. NY PLANNING FEDERATION MEMBERSHIP DUES REQUEST**
- 15. BUILDING PERMIT # A21-0050 – Refund Request**
- 16. ESCROW REFUND REQUEST – Student Bus Company**
- 17. BUDGET TRANSFERS**
- 18. ATTORNEY COMMENT**
- 19. PUBLIC COMMENT**
- 20. EXECUTIVE SESSION**

### **UPCOMING MEETING DATES:**

<b>PLANNING BOARD MEETING:</b>	<b>February 26, 2024</b>
<b>BUDGET WORKSHOP DATES:</b>	<b>February 20<sup>th</sup> and 27<sup>th</sup>, 2024</b>
<b>ZONING BOARD OF APPEALS MEETING:</b>	<b>March 06, 2024</b>
<b>VILLAGE BOARD MEETING:</b>	<b>March 12, 2024</b>

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**7:00PM – AUDIT BILLS**

**7:25PM – PUBLIC HEARING LL#2024-01 (Tax Cap Override)**

**7:30PM – REGULAR MEETING**

**PUBLIC HEARING**

Mayor read:

PLEASE TAKE NOTICE that the Village Board of the Village of Harriman will hold a public hearing on a proposed local law entitled, “A Local Law Authorizing a property tax levy in excess of the limit established by General Municipal Law § 3-c,” at Harriman Village Hall, 12 Church Street, Harriman, New York on February 13, 2024 at 7:25pm or as soon thereafter as the matter may be heard.

This local law, if adopted, will relieve the Village of the prohibition against increasing a tax levy by more than 2% a imposed by General Municipal Law § 3-c. As the Village relies upon the assessments of the Towns of Woodbury and Monroe and therefore cannot anticipate the impact of resolutions of tax certiorari matters or other unanticipated expenses the restrictions of General Municipal Law would potentially impose a great hardship upon the Village or require borrowing otherwise deemed unnecessary.

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 did we receive any written comments?

Clerk replied no.

Mayor stated I will open it up to any public comment regarding this matter?

No Public Comment

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

**REGULAR MEETING**

**ROLL CALL**

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

**ALSO, PRESENT** – ZBA Chairperson Reina Sandoval and Deputy Clerk, Maria Hunter

**ABSENT** Trustee Sandra Daly

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

**APPROVAL OF MINUTES**

Mayor asked if there are any changes or corrections to the minutes of January 9, 2024, Regular Board Meeting?

**MOTION** was made by Trustee Mitchell to accept the minutes of January 9, 2024, Regular Board Meeting.

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**SECOND** was made by Deputy Mayor Schneider

**AYE:** Mayor Chichester  
Deputy Mayor Schneider  
Trustee Mitchell

**NAY:**  
NONE

**INFORMATIONAL ITEMS**

This evening's bills were audited:

General Fund	\$ 110,958.74
Water Fund	\$ 103,863.92
Trust & Agency	\$ 1,707.41
Capital Project	\$ 805,230.59

- Up Coming Meeting Dates:
  - Budget Workshops – February 20<sup>th</sup> and 27<sup>th</sup>
  - Planning Board – February 26, 2024
  - Zoning Board of Appeals – March 6, 2024
  - Village Board – March 12, 2024
- Village Office hours are 8am – 4pm and by appointment from 7:00 am to 8:00 am. Phone numbers and contact information can be found on the [villageofharriman.org](http://villageofharriman.org) website.
- A drop box is also available outside the Village Hall entrance for dropping off water payments for the Water Dept., or fines and tickets to be dropped off outside of normal business hours. We do ask that you do not leave any cash payments in the lock box.
- Residents and the public can sign up on the Village website to receive email alerts about Village information, community events, and information regarding water bill dates.
- A reminder the February water quarterly water bills went out on February 1<sup>st</sup> and are due March 2, 2024 to avoid penalties.
- We were supposed to have a meeting this morning on the Annual Clean Sweep, however because of the inclement weather it was not held. It has been rescheduled for Thursday morning. So, we will have a date coming up on that.
- Reminder there is no on street overnight parking from November 1<sup>st</sup> through April 1<sup>st</sup> from 11pm-6am and no parking on any streets during any snow events until the snow has been totally removed from the roads.
- The New Village Hall and Police Station Update – Everything is still on schedule and proceeding well.

**DEPARTMENT REPORTS**

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report - Funds \$60.00

Water Account Adjustments – see attached report

Court Reports – see attached report – January – \$19,044.00

Building Department – see attached report

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\$ 540.00	2 Building Permits
\$ 750.00	3 Violation Searches
<u>\$ 200.00</u>	1 Rental Registration Renewal
\$ 1490.00	

**MAYOR'S APPOINTMENT**

Mayor stated as the new Mayor I get to appoint Deputy Mayor and it is my honor to appoint Trustee Wayne Mitchell to that position effective after tonight's meeting.

**ORDEVCO AGREEMENT**

Village Attorney Darwin stated this is an agreement between the Village and Ordevco by which the Village is agreeing to release all of its rights to OR-5. The release is \$50,000.00 from Ordevco to the Village. There are a few steps that need to be taken; the agreement, instruction to the escrow agent (the money is being wired to an escrow agent), all the documents that have to be signed in connection with the conveyance will be going to the escrow agent and then there is a real property tax form that the Mayor will sign and also be sent to the escrow agent. It will all be held in escrow until all the documents have been exchanged. The release itself and several exhibits attached to it. One of which is the minutes of tonight's meeting if the Board votes to approve the agreement. The resolution should be read into the record and become part of the minutes. Then a certified copy of the minutes with the resolution will be attached to the agreement.

Mayor read:

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HARRIMAN APPROVING AN AGREEMENT AND RELEASE TO RIGHTS IN WELL OR-5 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, RELEASE AND ASSOCIATED DOCUMENTS.**

The Village of Harriman Board of Trustees hereby approves the Release, attached hereto as Exhibit "A", by which the Village of Harriman unconditionally releases, relinquishes and surrenders all of the Village's rights, title and interest that the Village has in and to Well OR-5, the Easements described in said Release and the requirement, if any, by the Village that Well OR-5 be developed as part of the Village's water system, together with the requirement, if any, for the development of Well OR-5 contained in any of the agreements set forth in said releases, and further authorizes the Mayor of the Village of Harriman to sign said Release, Joint Instructions to Escrow Agent and a Letter of Agreement between the Village and Ordevco pertaining to said Release, together with any documents necessary in connection with recording said Release with the Orange County Clerk including, but not limited to Instructions to the Escrow Agent and form TP-584.

**NOW, THEREFORE**, in consideration of FIFTY THOUSAND AND NO/100 DOLLARS, (\$50,000.00) lawful money of the United States and other good and valuable consideration paid to the Village by Ordevco, the Village does hereby unconditionally release, relinquish and surrender any and all rights, title and interest which the Village has to Well OR-5 or the Easements as the same:

- (i) are described on **Exhibit A** and **Exhibit B** of the Release;
- (ii) are described in that certain Bargain and Sale Deed with Covenants, Site C, Map No 26-99, dated June 23, 1999, by Ordevco, as grantor, to Woodbury Center LLC, as grantee, as recorded in the Recording Office on July 13, 1999, in Liber 5101, Page 9, and duplicated on **Exhibit C** and **Exhibit D** of the Release.
- (iii) as appears on filed Map 26-99.

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together with any and all other rights that the Village has or may have in restrictive, permanent easements, nonexclusive proposed temporary and floating easements and the buffer easements, all relating to Well OR-5.

Additionally, the Village releases, relinquishes and surrenders any rights that the Village has by virtue of any Offer of Dedication to the Village and any obligations that Ordevco has or may have to develop Well OR-5 as part of the Village water system, together with the requirement, if any, for the development of Well OR-5 contained in any of the following agreements. all of which the Village is a signatory:

**MOTION** was made by Deputy Mayor Schneider to authorize Mayor to sign the Ordevco Agreement and all documents associated with the agreement.

**SECOND** was made Trustee Mitchell

**AYE:** Mayor Chichester

Trustee Mitchell

Deputy Mayor Schneider

**NAY:**

NONE

**LOCAL LAW 2024-01 – Tax Cap Override**

Mayor stated we had a public hearing tonight and there were no written or verbal comments. Mayor read Local Law 2024-01.

**MOTION** was made by Deputy Mayor Schneider to adopt Local Law 2024-01 – Tax Cap Override.

**SECOND** was made by Trustee Mitchell

**AYE:** Mayor Chichester

Trustee Mitchell

Deputy Mayor Schneider

**NAY:**

NONE

**ZBA RESIGNATION**

Mayor stated our ZBA Member Laurine Miller has offered her resignation.

**MOTION** was made by Trustee Mitchell to accept Laurine Miller’s resignation.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Mayor Chichester

Trustee Mitchell

Deputy Mayor Schneider

**NAY:**

NONE

**SCHEDULE PUBLIC HEARING LOCAL LAW 2024-02 – Stop Sign at Melody Lane**

Mayor stated we need to set a Public Hearing for Introductory Local Law 2024-02 to amend Chapter 132 article 6 of the Village Code Section 132-42 for March 12, 2024, 7:20pm.

**MOTION** was made by Trustee Mitchell to approve scheduling a Public Hearing for Introductory Local Law 2024-2, Stop Sign at Melody Lane for March 12, 2024, at 7:20pm.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Mayor Chichester

Trustee Mitchell

Deputy Mayor Schneider

**NAY:**

NONE

**SCHEDULE PUBLIC HEARING LOCAL LAW 2024-03 – Tax Exemption for Volunteers**

Mayor stated we need to set a Public Hearing for Introductory Local Law 2024-03 Tax Exemption for Volunteers for March 12, 2024, 7:25pm.

**MOTION** was made by Deputy Mayor Schneider to approve scheduling a Public Hearing for Introductory Local Law 2024-3, for March 12, 2024, at 7:25pm.

**SECOND** was made by Trustee Mitchell

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**AYE:** Mayor Chichester  
Trustee Mitchell  
Deputy Mayor Schneider

**NAY:**  
NONE

**WATER ACCOUNT REQUESTS**

Account 255 – Penalty Waivers

**MOTION** was made by Deputy Mayor Schneider to approve 1x penalty waivers on Account 255.

**SECOND** was made by Trustee Mitchell

**AYE:** Mayor Chichester  
Trustee Mitchell  
Deputy Mayor Schneider

**NAY:**  
NONE

Account 146 – Penalty Waivers

**MOTION** was made by Deputy Mayor Schneider to approve 1x penalty waivers on Account 146.

**SECOND** was made by Trustee Mitchell

**AYE:** Mayor Chichester  
Trustee Mitchell  
Deputy Mayor Schneider

**NAY:**  
NONE

**AUTHORIZATION TO SIGN MWCS D LEASE AGREEMENT – Month to Month**

Mayor stated this is for authorization to sign the MWCS D Month to Month Lease Agreement effective June 1, 2024.

**MOTION** was made by Trustee Mitchell to authorize the Mayor to sign the MWCS D Month to Month Lease Agreement.

**SECOND** was made by Deputy Mayor Schneider

**AYE:** Mayor Chichester  
Trustee Mitchell  
Deputy Mayor Schneider

**NAY:**  
NONE

**RESOLUTION FOR WEBSTER BANK – Adding Trustee as Authorized Signor**

Mayor stated this is a Resolution adding Trustee for authorized signors for documents.

**MOTION** was made by Deputy Mayor Schneider to authorize the Mayor to sign the Webster Bank Public Entity Resolution for additional Trustee signors.

**SECOND** was made by Trustee Mitchell

**AYE:** Mayor Chichester  
Trustee Mitchell  
Deputy Mayor Schneider

**NAY:**  
NONE

**NY PLANNING FEDERATION MEMBERSHIP DUES REQUEST**

Mayor stated this is a request from our Building Inspector for membership of the NY Planning Federation in the amount of \$295.00. This will allow the Building Inspector, Members of the Planning Board and Zoning Board of Appeals and the Deputy Clerk/Secretary to the Planning Board and ZBA to take courses.

**MOTION** was made by Deputy Mayor Schneider to approve the Building Inspector’s request for membership to the NY Planning Federation in the amount of \$295.00.

**SECOND** was made by Trustee Mitchell

**AYE:** Mayor Chichester  
Trustee Mitchell  
Deputy Mayor Schneider

**NAY:**  
NONE

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**BUILDING PERMIT # A21-0050 – Refund Request**

Mayor stated the Building Inspector is also requesting the return of \$154.00 for Building Permit A21-0050.

**MOTION** was made by Deputy Mayor Schneider to approve refunding Building Permit A21-0050 of \$154.00.

**SECOND** was made by Trustee Mitchell

**AYE:** Mayor Chichester

Trustee Mitchell

Deputy Mayor Schneider

**NAY:**

NONE

**ESCROW REFUND REQUEST**

Mayor stated this is a request from the Deputy Clerk to refund the escrow balance of \$1,168.90 to the Student Bus Company Inc.

**MOTION** was made by Deputy Mayor Schneider to approve refunding the escrow balance of \$1,168.90 to the Student Bus Company, Inc.

**SECOND** was made by Trustee Mithcell

**AYE:** Mayor Chichester

Trustee Mitchell

Deputy Mayor Schneider

**NAY:**

NONE

**BUDGET TRANSFERS**

Mayor stated we have no Budget Transfers tonight.

**ATTORNEY REPORT**

Attorney Darwin stated I received an email from Patrick Lanciotti, who is the attorney representing the Village in the lawsuit against Nepera. He wants to speak with Bruce and I about taking some water tests and samples for submission to an expert, in what they call fingerprinting analysis, and hopefully they would be able to trace any of the contaminates to particular generators. I will be in touch with you Bruce so we can arrange a call with Patrick and get that squared away. I know that he wants to know if WSP would be able to do that sampling and testing since you have been working with them and probably could get it done less expensively with WSP than with the company they proposed. Mayor Medina initially said why don't we use WSP, we probably can get it done for less money that way.

**PUBLIC COMMENT** – None

**MOTION** was made by Deputy Mayor Schneider to Enter into Executive Session for Attorney Client Privilege discussions.

**SECOND** by Trustee Mitchell

**ALL IN FAVOR**

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

The following was given by Deputy Mayor Schneider:

Alliu Property – Trustees discussed Purchaser's proposal to reduce purchase price by \$20,000.00. After discussion the Trustees agreed to put to vote a resolution when it comes out of Executive Session rejecting the proposal and instead to reduce the purchase price by \$6,200.00 and authorize the Mayor to sign an amendment to the contract accordingly

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Endo International Opioid Litigation. After discussion Board agreed to put to a vote a resolution when it comes out of Executive Session authorizing Mayor to sign and return ballot approving Endo International Bankruptcy Plan subject to Village Attorney's further review of plan.

**MOTION** was made by Trustee Mitchell to adjourn Executive Session and return to the Regular Meeting  
**SECOND** was made by Deputy Mayor Schneider  
**ALL IN FAVOR**

**MOTION** was made by Trustee Mitchell to authorize Mayor to sign an amendment to the Alliu contract reducing the purchase price by \$6,200.00.  
**SECOND** was made by Deputy Mayor Schneider  
**ALL IN FAVOR**

**MOTION** was made by Deputy Mayor Schneider authorizing Mayor to sign and return ballot approving Endo International Bankruptcy Plan subject to Village Attorney's further review of plan.  
**SECOND** was made by Trustee Mitchell  
**ALL IN FAVOR**

**MOTION** was made by Deputy Mayor Schneider to adjourn the Regular meeting at 9:30pm.  
**SECOND** was made by Trustee Mitchell  
**ALL IN FAVOR**

Respectfully submitted by: \_\_\_\_\_  
Jane Leake, Village Clerk