



Village of Harriman

1 Church Street
Harriman, New York 10926
TEL: (845) 783-4421
FAX: (845) 782-2016

VILLAGE BOARD MEETING NOVEMBER 9, 2021

6:30PM – AUDIT BILLS
7:00PM – EXECUTIVE SESSION
7:25PM – PUBLIC HEARING – LL# 6-2021 (MRTA)
7:30PM – REGULAR MEETING

AGENDA

- 1. ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. AUDITOR'S REPORT**
- 3. SERGEANT PROMOTION**
- 4. APPROVAL OF MINUTES – October 12, 2021 and November 3, 2021**
- 5. INFORMATIONAL ITEMS**
- 6. DEPARTMENT REPORTS**
- 7. LOCAL LAW #6-2021 (MRTA)**
- 8. PARK REQUEST A) Bissoondath**
- 9. WATER ACCOUNT REQUEST a) 737**
- 10. ZONING MAP AMENDMENT – SEQRA Negative Declaration**
- 11. SET PUBLIC HEARING DATE FOR ZONING MAP AMENDMENT**
- 12. WIIA GRANT APPLICATION SUBMISSION – HH3 Project**
- 13. AUTHORIZATION TO SIGN WATER AGREEMENT – Woodbury Centre Partners, LLC**
- 14. RESOLUTION TO SIGN CONSERVATION AND DRAINAGE EASEMENT – 38 Commerce**
- 15. RESOLUTION AUTHORIZING EXISTING MATCHING FUNDS FOR WIIA GRANT APPLICATIONS a) MH1a Project b) HH3 Project c) New Booster Station Project**
- 16. RESOLUTION SEQRA LEAD AGENCY AND TYPE II ACTION DETERMINATION a) MH1a Project b) HH3 Project**
- 17. RESOLUTION SEQRA LEAD AGENCY UNLISTED ACTION DETERMINATION AND AUTHORIZATION TO SIGN EAF a) New Booster Station Project**
- 18. AMENDMENT TO EMPLOYEE HANDBOOK**
- 19. PARKLAND FEE REFUND – Right Choice**
- 20. ESCROW REFUND – 103-5-2**
- 21. UNPAID VILLAGE TAXES – Re-levy Report**
- 22. ATTORNEY COMMENT**
- 23. PUBLIC COMMENT**
- 24. POSSIBLE MOTION TO ENTER EXECUTIVE SESSION**

UPCOMING MEETING DATES:

PLANNING BOARD MEETING:	November 15, 2021
ZONING BOARD OF APPEALS MEETING:	December 1, 2021
VILLAGE BOARD MEETING:	December 14, 2021

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
November 9, 2021
Page 1

6:30pm – Audit Bills

7:00pm - Executive Session

7:25pm – Public Hearing – LL #6-2021 (MRTA)

7:30pm – Regular Meeting

The following was given by Mayor Medina:

Mayor Medina opened the Executive Session at 6:50pm

PRESENT: Mayor Medina, Deputy Mayor Schneider, Trustee Chichester, Trustee Daly, Trustee Mitchell and Justin Wood of Nugent & Haeussler

MOTION was made by Trustee Chichester to Enter into Executive Session with Justin Wood regarding the Annual Audit & Review Financial Report.

SECOND was made by Deputy Mayor Schneider

ALL IN FAVOR

MOTION was made by Trustee Daly to adjourn Executive Session at 7:20pm.

SECOND was made by Trustee Mitchell

ALL IN FAVOR

PUBLIC HEARING – Local Law #6:

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 November 9, 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.

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 received any public comment?

Clerk replied no.

Mayor asked are there any comments from the public?

Having none.

MOTION was made by Trustee Chichester to close the public hearing. **SECOND** was made by Trustee Daly
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 Dan Henderson, Sergeant John Levison, Village Clerk Jane Leake, DPW Superintendent Kyle Livsey, Attorney Dave Darwin

ABSENT NONE

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

AUDITOR'S REPORT

Mayor stated Justin Wood of Nugent and Haeussler will discuss the results of the audit for the year ending May 31, 2021.

Justin Wood of Nugent & Haeussler PC stated we are the Village Auditor's and I have gone over with the Mayor and the Board the Auditor Report. The important things to point out is that we issue an actual report on the financial information of the Village and that report was given an Unmodified Opinion which is our highest level of assurance. So basically, the Village was given the best that they possibly could on the Audit. As far as the financial information itself the Village is in very strong financial condition, with well-funded reserves. The Villages appropriated fund balance, which is effectively lowering everybody in the Villages tax bill on an annual basis to help provide to pay for the budget. They have a well-funded Water Fund, which will in turn save the residents of the Village interest payments for future Capital Projects and the same with the funds that are in the General Fund and just over all on great financial condition. I will also point out what a wonderful job Management and the Treasurer does here because we had no audit findings to report in the Management Letter, which is where we would report any specific findings that we had and we had none which is an extremely rare occurrence. I do want to give kudos to the Board, the Mayor, the Treasurer and the Clerk and anyone else who pitches in. Everyone does an absolutely wonderful job.

Mayor stated thank you for your work.

SERGEANT PROMOTION

Mayor stated we received a letter from Chief Henderson for a recommendation for a Sergeant promotion. The Chief is requesting Andrew Ludewig be promoted from Officer to the rank of Sergeant effective November 9, 2021. All candidates for Sergeant were interviewed by the Chief and Sergeant Levison as it was agreed upon that Officer Ludewig be promoted.

MOTION was made by Trustee Daly to accept the promotion of Andrew Ludewig from Officer to Sergeant effective, November 9, 2021.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

At this time Chief Henderson presented Sergeant Ludewig with his shield stating I hired Andrew in 2019. About a year ago he worked on a Home Invasion Burglary, in which he solved, working with Sergeant Levison and he did an excellent job. He has been here only two years, but he has done a job of some people who would have been here six or seven years. I Congratulate you Andrew on a job well done. Although, I will only be here for two weeks, I am sure he will make the next Chief very proud as Sergeant in the Village of Harriman's Police Department.

Applauds, pictures and Congratulations were offered by all who attended.

APPROVAL OF MINUTES

Mayor asked can I have a motion to approve the minutes of October 12th Board Meeting?

MOTION was made by Trustee Chichester to accept the minutes of October 12th Board Meeting.

SECOND was made by Deputy Mayor Schneider

AYE: Trustee Mitchell
Deputy Mayor Schneider
Trustee Daly - Abstained
Trustee Chichester

NAY:
NONE

Mayor asked can I have a motion to approve the minutes of November 3rd Board Meeting?

MOTION was made by Deputy Mayor Schneider to accept the minutes of November 3rd 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	\$ 1,277.45
General Fund	\$ 354,729.62
Water Fund	\$ 143,511.28
Engineering Fees	\$ 7,243.47

- Up Coming Meeting Dates:
 - Planning Board – November 15, 2021
 - Zoning Board of Appeals – December 1, 2021
 - Village Board – December 14, 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 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 for email alerts about general information or information regarding water billing dates. 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
- Leaf pick up has commenced. We will be picking up leaves through December 6, 2021, weather permitting. Leaves must be at the edge of your property, not in the street or on sidewalks and the Village does not pick up bagged leaves or leaves mixed with brush.
- 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.
- 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 events until the snow has been totally removed from the roads.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
November 9, 2021
Page 4

- Refuse and Recycle Collection Schedule for Thanksgiving week; for Harriman residents in the Town of Monroe – no pickup on Thursday November 25, 2021, and for Harriman Residents in the Town of Woodbury Refuse pick up will occur as normal on Friday, November 26, 2021.
- We have kicked off our annual New Hat and Glove Drive. We ask that anyone wishing to donate to please drop them off at the Village Hall during the day between 7 – 4pm or at the Police Station after hours. We will be accepting donations until December 9, 2021.
- Attended the Community Awareness Emergency Response (CAER) meeting on October 21, 2021. Attended by local Municipalities, Fire Districts, Law Enforcement and the MWCSO Leadership and Security Departments.
- Unfortunately, the training course the Board approved last month for Kyle Livsey and Nick Torres was cancelled by the school that was offering the course. We will research other options for them to complete this certification.
- December 5th the Fire Department will have a Pancake Breakfast from 7:30am – 12pm at 7 Short Street. Prices are \$12.00 for Adults, \$8.00 Seniors and \$5.00 Children
- **AGENDA ADDITION:**

9b) Water Request 716

DEPARTMENT REPORTS

Treasurer Report – see attached report

DPW – see attached report

Police Department – see attached report

Water Account Adjustments – see attached report

Court Reports – see attached report October \$12,595.00

Building Department – see attached report

\$12,770.16	7 Building Permits
40.00	1 Fire Safety Inspection
600.00	4 Violation Searches
250.00	1 DPW Permit Application
40.00	1 Rental Registration
<u>200.00</u>	4 Building Permit Extensions
\$13,900.16	

LOCAL LAW #6 – 2021 (MRTA)

Mayor stated this is a local law opting out of allowing retail dispensaries and off-site consumption establishments within the Village of Harriman as authorized by the New York State Cannabis Law.

MOTION was made by Trustee Chichester to approve Local Law #6 – 2021.

SECOND was made by Trustee Daly

AYE: Trustee Chichester

Deputy Mayor Schneider

Trustee Mitchell

Trustee Daly

NAY:

NONE

PARK APPLICATION REQUEST

Bissoondath – November 6, 2021 – pre-approved by Board

MOTION was made by Deputy Mayor Schneider to approve Bissoondath Park Request for November 6, 2021

SECOND was made by Trustee Chichester

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Daly
Trustee Mitchell

NAY:
NONE

WATER ACCOUNTS

Account 737 – Penalty Request

MOTION was made by Trustee Daly to approve a 1x waiver of penalties for Account 737.

SECOND was made by Trustee Mitchell

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

Account 716 – Payment Plan and Rate Request

MOTION was made by Deputy Mayor Schneider to approve recalculating the read at the lowest rate of \$11.28 with a payment plan of \$250.00 a month for three months as per the deferred payment plan completed.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

ZONING MAP AMENDMENT – SEQRA Negative Declaration

Mayor read

A RESOLUTION OF THE VILLAGE OF HARRIMAN BOARD OF TRUSTEES PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”) DETERMINING THAT A CERTAIN AMENDMENT TO THE VILLAGE ZONING MAP WILL HAVE NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

WHEREAS, a parcel of property consisting of approximately 7.8 +/- acres is located at 12 Commerce Drive, which property is designated on the Village of Harriman Tax Map as Section 108 Block 1 Lot 10 (“the Property”); and

WHEREAS, approximately two thirds of the Property is currently designated as being located in the I-Industrial Zoning District and the remaining one-third is currently designated as being located in the PAD- Planned Area Development Zoning District; and

WHEREAS, the Village of Harriman proposes to amend its zoning map to include all of the Property within the I-Industrial Zoning District (“the Action”); and

WHEREAS, by resolution no. 19 of 2021 the Village of Harriman declared itself as Lead Agency for the Action and made a determination that the proposed action is an Unlisted Action pursuant to § 617. 6 of the SEQRA regulations; and

WHEREAS, in compliance with the State Environmental Quality Review Act (SEQRA), and the regulations promulgated thereto, a Short Form Environmental Assessment Form (“EAF”), has been completed and in accordance with the findings of Parts 1, 2 and 3 of the EAF it is determined that the Action will not result in any significant adverse environmental impacts.

NOW, THEREFORE, it is hereby

RESOLVED, in accordance with the findings of Parts 1, 2 and 3 of the EAF, and for the reasons set forth in the Negative Declaration attached thereto, and incorporated by reference herein, that this Village Board hereby makes a determination that the proposed Amendment to the Village zoning map will have not result in any potential, significant, adverse environmental impacts.

MOTION was made by Trustee Chichester to approve the Resolution on Zoning Map Amendment SEQRA

SECOND was made by Trustee Daly

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

November 9, 2021

Page 6

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

SET PUBLIC HEARING DATE FOR ZONING MAP AMENDMENT

Mayor stated to set a public hearing for this Zoning Map Amendment for December 14, 2021, at 7:25pm.

MOTION was made by Trustee Daly to approve setting the Public Hearing on the Zoning Map Amendment for December 14, 2021 at 7:25pm.

SECOND was made by Trustee Mitchell

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

WIA GRANT APPLICATION SUBMISSION – HH3 Project

Mayor stated:

Resolution authorizing the Mayor of the Village of Harriman to submit A grant application to the New York State Environmental Facilities Corporation.

WHEREAS, the New York State Environmental Facilities Corporation is soliciting applications through the Water Infrastructure Improvement Act for clean and drinking water improvement projects; and

WHEREAS, the Village of Harriman owns and operates a municipal water system and has identified the following water improvement infrastructure need: a water main extension from the water distribution system to the new discharge pipe in HH3 to dilute the groundwater from HH3 well having uranium in excess of the MCL. Well HH3 is needed to supplement the existing water supply and provide redundancy which will be beneficial to reliably meeting the Village’s current and future water demand; and

WHEREAS, the improvement project is necessary to protect the health and safety of the residents of the Village.

THEREFORE, BE IT RESOLVED, the Village of Harriman Board of Trustees does hereby authorize the Mayor of the Village of Harriman to submit an application to the Environmental Facilities Corporation through the Water Infrastructure Improvement Act Grant Program to fund the aforesaid necessary infrastructure improvement, and to execute all necessary documents in connection therewith.

MOTION was made by Deputy Mayor Schneider to approve the Resolution authorizing the Mayor to sign the Grant Application.

SECOND was made by Trustee Mitchell

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

AUTHORIZATION TO SIGN WATER AGREEMENT – Woodbury Centre Partners, LLC

Mayor stated this is to sign the Water Agreement with the Woodbury Centre Partners LLC. This stems from the bankruptcy of Modell’s and many negotiations. The request is to write off the bankruptcy amount of \$1790.00 and penalties of \$1839.00 and we would be receiving \$2477.73 to conclude this account balance due.

MOTION was made by Trustee Mitchell to approve accepting the 1x waivers (\$1839.00) and adjustment for the write off (\$1790.00).

SECOND was made by Trustee Chichester

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

RESOLUTION TO SIGN CONSERVATION AND DRAINAGE EASEMENT – 38 Commerce

Mayor read:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HARRIMAN ACCEPTING THE CONVEYANCE OF A CONSERVATION EASEMENT AND DRAINAGE EASEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT DOCUMENTS.

WHEREAS, the Village of Harriman Planning Board has approved the site plan for a development project of 38 Commerce LLC (hereinafter “Grantor”), located at 38 Commerce Drive South in the Village of Harriman (“the Premises”); and

WHEREAS, as a condition to the site plan approval and as part thereof, the Grantor has agreed to convey to the Village of Harriman a conservation easement covering two separate Conservation Easement Areas, and a drainage easement, each running in favor of the Village, copies of which are annexed hereto: and

WHEREAS, the Conservation Easement will preserve and protect in perpetuity the conservation values of the Premises for the benefit of this generation and future generations of Village residents; and

WHEREAS, the drainage easement will ensure the performance of any required maintenance and repairs to the storm drainage pipe located on the Premises;

Now, therefore, it is hereby:

RESOLVED by the Village Board of Trustees that the Village does hereby accept the conveyances of the Conservation Easement and the Drainage Easement and authorizes the Mayor of the Village of Harriman to execute these two easements, together with any other documents necessary in connection therewith.

MOTION was made by Deputy Mayor Schneider to approve the Resolution authorizing the Mayor to sign the Conservation and Drainage Easement for 38 Commerce Drive

SECOND was made by Trustee Mitchell

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

RESOLUTION AUTHORIZING EXISTING MATCHING FUNDS FOR WIIA GRANT APPLICATIONS a) MH1a Project b) HH3 Project c) New Booster Station Project

Mayor read:

RESOLUTION AUTHORIZING THE USE OF EXISTING MATCHING FUNDS FOR THE GRANT APPLICATION TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION.

WHEREAS, the New York State Environmental Facilities Corporation is soliciting applications through the Water Infrastructure Improvement Act for clean and drinking water improvement projects; and

WHEREAS, the Village of Harriman owns and operates a municipal water system and has identified the following water improvement infrastructure need: installation of a GAC filtration system to reduce the concentration of PFOS/PFOA in the groundwater from Well MH-1A. Well MH-1A is needed to supplement the existing water supply and provide redundancy which will be beneficial to reliably meeting the Village’s current and future water demand; and

WHEREAS, the Environmental Facilities Corporation requires the use of matching funds to complete the improvement project.

THEREFORE, BE IT RESOLVED, the Village of Harriman Board of Trustees does hereby authorize the use of matching funds in the amount of \$358,000 from the Water Fund in order to satisfy the required match for the Water Infrastructure Improvement Act Grant Program.

MOTION was made by Trustee Chichester to approve the Resolution authorizing existing match funds for WIIA Grant Application.

SECOND was made by Deputy Mayor Schneider

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
November 9, 2021
Page 8

Deputy Mayor asked the \$358,000 is the amount of the grant you are going to need?

Mayor replied that is the amount of the money we would be pulling from the Water Fund. The grant provides us with 60% of the project cost. This represents the 40%.

Mayor continued reading:

RESOLUTION AUTHORIZING THE USE OF EXISTING MATCHING FUNDS FOR THE GRANT APPLICATION TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION.

WHEREAS, the New York State Environmental Facilities Corporation is soliciting applications through the Water Infrastructure Improvement Act for clean and drinking water improvement projects; and

WHEREAS, the Village of Harriman owns and operates a municipal water system and has identified the following water improvement infrastructure need: installation of approximately 800 feet of 8-inch ductile iron water main from the existing distribution system located on Bound Brook Lane to HH#3 to dilute the uranium concentrations in the well to less than the MCL. This will allow the Village of Harriman to place the well back in service.

WHEREAS, the Environmental Facilities Corporation requires the use of matching funds to complete the improvement project.

THEREFORE, BE IT RESOLVED, the Village of Harriman Board of Trustees does hereby authorize the use of matching funds in the amount of \$240,000 from the Water Fund in order to satisfy the required match for the Water Infrastructure Improvement Act Grant Program.

RESOLUTION AUTHORIZING THE USE OF EXISTING MATCHING FUNDS FOR THE GRANT APPLICATION TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION.

WHEREAS, the New York State Environmental Facilities Corporation is soliciting applications through the Water Infrastructure Improvement Act for clean and drinking water improvement projects; and

WHEREAS, the Village of Harriman owns and operates a municipal water system and has identified the following water improvement infrastructure need: replacement of the Arden and Carriage Hill booster stations with a new booster station in order to reliably meet the potable demand from the existing service population; and

WHEREAS, the Environmental Facilities Corporation requires the use of matching funds to complete the improvement project.

THEREFORE, BE IT RESOLVED, the Village of Harriman Board of Trustees does hereby authorize the use of matching funds in the amount of \$210,800 from the Water Fund in order to satisfy the required match for the Water Infrastructure Improvement Act Grant Program.

MOTION was made by Trustee Mitchell to approve the Resolution authorizing existing match funds for WIIA Grant Application.

SECOND was made by Trustee Chichester

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

RESOLUTION SEQRA LEAD AGENCY AND TYPE II ACTION DETERMINATION a) MH1a
Project b) HH3 Project

Mayor read:

This is a Resolution of the Village of Harriman Board of Trustees for the Well MH-1A Improvements New York State Environmental Quality Review Act Determination. A Title of Action is the improvement to the Well MH-1A. A Description of the Action is installation of water treatment equipment to reduce concentration of PFOS/PFOA to less than the MCL.

RESOLUTION, therefore,

BE IT RESOLVED, that the Village Board declares itself Lead Agency for the Project, and that based on the Village Board's review and consideration of the Project and consideration of the criteria set forth in 6 NYCRR 617.5 identifying Type II Actions under SEQRA, the Village Board determines that the project is the

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
November 9, 2021
Page 9

replacement, rehabilitation or reconstruction of a facility or structure in kind on the same site, which is a Type II action under SEQRA pursuant to 6 NYCRR Part 617.5(c)(2) and requires no further review under the SEQRA process.

MOTION was made by Trustee Chichester to accept the Resolution as Type II Action with no further SEQRA review needed

SECOND was made by Trustee Mitchell

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

Mayor continued reading:

A Resolution Village of Harriman Board of Trustees Well HH#3 Improvements New York State Environmental Quality Review Act Determination. The Title of Action is Improvements of Well HH#3 and the Description is Installation of water main from existing distribution system located on Harriman Heights Road to HH#3 to dilute uranium concentrations.

The RESOLUTION:

BE IT RESOLVED, that the Village Board declares itself lead agency for the Project, and in consideration of a Type II Actions under SEQRA, the Village Board determines that the Project is the replacement, rehabilitation or reconstruction of a facility or structure in kind on the same site, which is a Type II action and requires no further review under the SEQRA process.

MOTION was made by Trustee Daly to accept the Resolution as Type II Action with no further SEQRA review needed.

SECOND was made by Deputy Mayor Schneider

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

RESOLUTION SEQRA LEAD AGENCY UNLISTED ACTION DETERMINATION AND AUTHORIZATION TO SIGN EAF a) New Booster Station Project

Mayor read:

RESOLUTION the VILLAGE OF HARRIMAN BOARD OF TRUSTEES a New Booster Station

This Resolution is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

WHEREAS, the Village of Harriman is proposing the replacement of the Arden and Carriage Hill booster stations with a new booster station located at Berwyn Road, Village of Harriman, in order to reliably meet the potable demand from the existing service population; and

WHEREAS, the Board of Trustees of the Village of Harriman, as the only Agency authorized to effectuate improvements to the Village water system and is, therefore, the only agency authorized to act as lead agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), has determined that the proposed action described below ("the Project") is an Unlisted action; and

WHEREAS, the Village Board as lead agency has conducted an environmental review of the Project, has caused to be completed a Short Form Environmental Assessment Form and made a determination that the proposed action and will not result in any significant adverse effects on the environment; now, therefore, it is hereby

RESOLVED, that the Village Board declares itself lead agency for the Project; determines that the Project is an Unlisted Action under SEQRA; and that based on the Village Board's review and consideration of the Project and SEQRA criteria set forth, the Village Board determines that the Project will have not result in any significant, adverse impacts on the environment.

MOTION was made by Trustee Mitchell to accept the Resolution SEQRA Lead Agency Unlisted Action Determination and authorization to sign EAF for the new Booster Station Project.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
November 9, 2021
Page 10

SECOND was made by Trustee Chichester

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

AMENDMENT TO EMPLOYEE HANDBOOK

Mayor stated this amendment is to Section 801 where we have determined one typo and one amendment to Holiday pay eligibility and part-time. We will be removing the “**after completion of 10 months of continuance service**” and beginning a new sentence, “**A part-time employee**” and striking the extra word “**with**” from that sentence.

MOTION was made by Trustee Chichester to accept the Employee Handbook Amendment of Section 801.

SECOND was made by Trustee Mitchell

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

PARKLAND FEE REFUND – Right Choice

Mayor stated this is a refund of parkland fees. There was a clerical error in receiving the parkland fees for this applicant before Planning and Building Department. Therefore we need to refund the \$3,000.00 in parkland fee that was collected in error.

MOTION was made by Trustee Mitchell to approve refunding parkland fees of \$3,000.00 to Right Choice.

SECOND was made by Trustee Daly

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

ESCROW REFUND – 103-5-2

Mayor stated this is an escrow refund request from the Planning Board Secretary regarding 103-5-2. The property has been sold and there are no outstanding invoices from any of the consultants. We would be refunding \$1.72 to Mr. Brown.

MOTION was made by Trustee Daly to approve refunding property 103-5-2 escrow in the amount of \$1.72.

SECOND was made by Trustee Mitchell

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

UNPAID VILLAGE TAXES – Re-Levy Report

Mayor stated this is a request from the Treasurer to submit unpaid Village Tax Returns to Orange County for re-levying for both the residents within the Town of Monroe and Town of Woodbury. The Board had already signed the documents that will be submitted to the County.

MOTION was made by Trustee Daly to authorize the Treasurer to submit the unpaid Village Tax Returns to Orange County for re-levying.

SECOND was made by Trustee Mitchell

AYE: Trustee Chichester
Deputy Mayor Schneider
Trustee Mitchell
Trustee Daly

NAY:
NONE

ATTORNEY COMMENT –

Attorney Darwin stated just an update on the GAESS PFAS site investigation. The firm that is doing the site investigation has asked for an extension to the Site Access Agreement. As you may know the Mayor had forwarded to me some questions and comments from the Villages Engineer. I have passed that along to Patrick Lanciotti who is the Attorney who is handling this for the Village. The response from the Counsel to Waste Management conducted the investigation in response to why they needed an extension. He said the Wells have been redeveloping the samples, but the data hasn't been validated or reported to the DEC yet. Therefore, they don't know if they would be satisfied with the sampling again. That is one of the reasons they need some additional time. As far as the decommissioning of the Monitoring Wells is concerned, which is a new item in the Agreement. What they are telling us is that once a well is no longer needed and reused by another program it is not an option. It must be decommissioned in accordance with the DEC Regulations. Once the DEC deems the sample unsatisfactory, they plan to decommission it as soon as possible. I have not gotten a response to the Village Engineers comments. I'm still waiting.

Mayor replied I get the extension for another year, but to decommission the Monitoring Wells is a little bit concerning putting it before the results of the samples not knowing if they are even done.

Attorney Darwin stated I think they need to wait for the sample results before they do the decommissioning.

Mayor replied so can we have that as a second request because I don't think we want to authorize it earlier then we need to and that is pretty much what the Water Consultants are suggesting. They weren't sure why we would be granting an extension for a year if they completed the sampling, but I get it if they want to wait for results, etc.. That will then dictate whether the Monitoring Wells can even be decommissioned.

Attorney Darwin stated that would be depending upon what the results were of the samples. I will discuss that with Lanciotti.

Attorney Darwin continued on the 4 South Main Street property the next conference with the referee is scheduled for December 2, 2021. We are hopeful that everything will be in place by then.

Mayor replied yes, we are.

Attorney Darwin stated the second lien holder said that there was one of the documents that needed to be updated, which is pretty typical in these short sale things. Where the bank is constantly dragging their feet and then the documents they have, have to be updated and then they ask for updated documents. This one document that they apparently need has to be updated and once they have that hopefully that will be the end. December 2nd we will have an answer one way or another.

Trustee Chichester asked Dave you're going to be on that call for December 2nd, correct?

Attorney Darwin replied I am.

Trustee Chichester asked can we impress upon them that the Village Board is tired of this and if they don't move forward that we are going to move forward with our own as we told them before. It has gone too long.

Attorney Darwin replied the referee has given that admonition to the lenders.

Trustee Chichester stated that is nice that he has done that, but still we have another conference coming. It is time to end it.

Attorney Darwin replied that is a Board decision. They know the Board is prepared to condemn the property. They are well aware of that and are reminded of that fact at every conference.

VILLAGE OF HARRIMAN, NEW YORK
VILLAGE BOARD MEETING
November 9, 2021
Page 12

Trustee Chichester asked can you press upon them that December 2nd is the last one. Either they do it or we are going to do it.

Attorney Darwin replied we need a Board Resolution to authorize that.

Mayor stated we can make that decision after the December meeting because the conference will be before that.

Trustee Chichester replied that is fine.

Mayor stated I am not disagreeing with you at all Bruce, but we thought we were at the finish line.

PUBLIC COMMENT –

Laurie Tautel stated this coming Thursday is Veteran's Day and last Thursday in the County we passed a Resolution supporting Operating Green Light for Active Military Service Member in transition to Civilian life. We currently have 22 thousand Veterans living in Orange County. Studies indicate that 44 to 72 sets of Service Members experience high levels of stress during transition from Military to Civilian life and very sadly 22 Veterans a day commit suicide Nationally. I have a close friend we lost to PTSD as a Veteran and Suicide. What we are asking everyone to do is to show our Veterans that are transitioning the week of November 7 – 13 to salute and honor the services and sacrifices of our men and women in uniform that are transitioning from active service. Orange County is designated as a green light for Military Service Counties. Therefore, it further resolve that observant of Operation Green Light the Orange County Legislature encourages the Citizens of Orange County and patriotic tradition to recognize the importance of honoring all those who have made immeasurable sacrifices and helped to preserve freedom by displaying a green light in the window of there place of business or residence. So, if we can share that for this week. I can send you the Resolution that we have. It is a small gesture just to let them know we care. Sometimes that is all they need to do is see that light and hopefully it will help them to get the help needed.

Mayor replied thank you for bringing that up. I was negligent in bringing that up. So, thank you very much.

Irma Escallier. asked what is the Village of Harriman doing that day?

Mayor replied usually the VFW handles it. I have not heard from them, so I am not 100% sure that they are doing anything in the Village of Harriman, but I know they have plans coordinating with Monroe, etc..

Ms. Escallier asked the laying of wreaths?

Mayor replied they typically don't for Veterans Day, they do it for the others.

Jim Kelly asked in going back to your water, all your Resolutions, are they contingent on going for your grants because you are talking \$700,000 of Village money. If you got all your grants, and your grants would have to go into these projects. My question is are the projects contingent on the Resolutions that you gave and were approved are they contingent on the allocation of the money?

Mayor replied yes, they are contingent on the award of the grant and the answer to your other part of the question; as the Auditor said the Water Fund is doing very well and we have been maintaining a balance for quite sometime so we will not be going out for bond on these so that is why it is coming directly from our Water Fund so there will be no additional interest rates or expense to the Village. We already have been building that up and we will apply the 40% contingent on the receipt of the award.

Mr. Kelly stated being realistic you have surplus in your Water Fund, but in other areas?

Mayor replied we have a Fund Balance.

VILLAGE OF HARRIMAN, NEW YORK

VILLAGE BOARD MEETING

November 9, 2021

Page 13

Mr. Kelly continued you have excess in your Fund Balance, but in the real world when you are doing your budget when it comes down to it you move stuff around to meet your needs.

Trustee Chichester replied you can't share Water Fund Balance with General Fund Balance. They are separate. A lot of people don't understand that.

MOTION was made by Trustee Chichester to enter into Executive Session for Attorney Client Privilege to discuss a litigation matter and a HR matter.

SECOND by Trustee Daly

ALL IN FAVOR

Mayor stated I expect no action to come out of that Executive Session.

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 Daly to adjourn Executive Session and return to Regular Meeting.

SECOND was made by Trustee Mitchell

ALL IN FAVOR

MOTION was made by Trustee Chichester to adjourn Regular meeting at 8:30pm.

SECOND was made by Deputy Mayor Schneider

ALL IN FAVOR

Respectfully submitted by: _____
Jane Leake, Village Clerk