

VILLAGE OF HILLBURN  
Special Board of Trustees Meeting  
Tuesday, August 8, 2017 – 5:00PM

MINUTES OF THE SPECIAL BOARD OF TRUSTEES MEETING held on Tuesday, August 8, 2017, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 5:00PM.

PRESENT: Craig M. Flanagan Jr., Mayor                      ALSO PRESENT: Adam Gordon, Building/Fire Inspector  
Eleanor J. DeGraw, Trustee  
Bonnie R. O’Blenis, Trustee  
Elizabeth K. Cassidy, Village Attorney

RECORDER OF MINUTES: Robin Miele, Asst. Clerk-Treasurer

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Meeting called to order by the Hon. Craig M. Flanagan, Jr., Mayor. Building/Fire Inspector Adam Gordon led the Salute to the Flag.

**Stonework Estates, Inc., Kristian Matthews and Legacy Stoneworks, Inc. v. Village of Hillburn, Village of Hillburn Zoning Board of Appeals and Adam Gordon as Code Enforcement Officer for the Village of Hillburn –**

As authorized at the 7/18/17 meeting, the Village Attorney prepared a formal Resolution, along with a Stipulation Agreement.

**WHEREAS**, Stonework Estates, Inc., Kristian Matthews and Legacy Stoneworks, Inc., (“Petitioners”) initiated litigation against the Village of Hillburn, Village of Hillburn Zoning Board of Appeals and Adam Gordon, as Code Enforcement Office for the Village of Hillburn (“Respondents”) concerning the permitted use of land identified on the Town of Ramapo Tax Map as SBL 47.14-1-1.1 and 47.14-1-1.2;

**WHEREAS**, the Hon. Sherri Eisenpress, A.J.S.C. issued a decision and order dated November 16, 2016 finding in favor of the Petitioners;

**WHEREAS**, the Village Board of Trustees, in consultation with its legal counsel, have considered the merits and costs of appealing said decision and order;

**WHEREAS**, the Village Board of Trustees has legal authority to settle litigation and claims against the Village;

**WHEREAS**, the parties have agreed to a settlement which the Village Board of Trustees determines to be in the best interests of the Village and its taxpayers;

**NOW THEREFORE, BE IT RESOLVED** that the Village Board of Trustees approves the stipulation agreement attached hereto and authorizes the Mayor to sign the same;

**BE IT FURTHER RESOLVED**, that upon receipt of a fully executed copy the Village’s attorney is authorized to discontinue all litigation in this matter with prejudice and to take all action necessary to carry out the intent of the stipulation;

**BE IT FURTHER RESOLVED**, that the Village Clerk Treasurer shall provide a certified copy of this resolution together with a signed copy to Petitioners.

Motion by: Eleanor DeGraw, Trustee  
Second by: Bonnie O’Blenis, Trustee

Vote: Craig M. Flanagan, Jr., Mayor – Aye  
Trustee Eleanor DeGraw, Trustee – Aye  
Trustee Bonnie O’Blenis, Trustee – Aye

The Stipulation was duly signed by Mayor Flanagan.

**Pending Property Violations**

**RE: ConServ Construction/Hudson Valley – 220 Route 17, Hillburn, NY**

Mayor Flanagan questioned the status of the violation(s).

-Attorney Cassidy advised that a Stop Work Order and Order to Remedy Violation were issued on 5/12/16 regarding the unauthorized use of a rock crusher. At this date, matter is before the Village Justice Court.

-Beginning 8/2/17, residents again registered complaints regarding loud noise coming from 260 Route and have stated it has been ongoing from morning til evening for approximately 2 weeks.

-Building/Fire Inspector Gordon reported he had met with Village Engineer Glenn McCreedy today regarding the recent complaints and the authorized use of the respective property.

-Attorney Cassidy stated a proposed two-part settlement will be offered: Significant Fine; property owner must come back before the Planning Board for Site Plan approval. If the proposed settlement is not accepted, the Complaint will be amended to include the recent complaints and she is prepared to go to trial.

**RE: JD Towing & Battery – 15 Route 59, Hillburn, NY**

Mayor Flanagan questioned the status of the property, as there continues to be trucks parked all over the property and along Route 59.

-Attorney Cassidy stated that the property owner must show proof of ownership of a portion of the property being used for outdoor storage.

A discussion was held regarding the need for the Village Engineer to be more involved in the review of all Planning Board applications, including attendance at all Planning Board meetings.

-Mayor Flanagan stated the need to regulate parking areas on commercial property and enforce the laws when fire lanes/access are being obstructed.

**RE: RC Sewer District – Dumping of Contaminated Soil in the Villages of Sloatsburg and Hillburn**

Mayor Flanagan reported the RC Sewer District is filing a suite against the Town of Ramapo regarding the dumping of contaminated dirt and feels the Village of Hillburn should also file suit against both the RC Sewer District and the Town of Ramapo.

-Attorney Cassidy stated that the matter could be discussed in an Attorney/Client session. However, if the Village Board decides to go forward with a suit, a higher level litigation Attorney would have to be retained, as the suit would involve environmental and toxic torts.

**Recreation** – A written Report was read by Trustee O’Blenis.

**2017 Summer Camp & Swim Program** – Last Day: 8/11/17.

Request for approval of Draft Invoice #0094 from NJ Outdoor Amusements (Certificate of Insurance provided)

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to approve Draft Invoice #0094 from NJ Outdoor Amusements to provide a “Tropical Slide with Pool” on 8/11/17 for 3 hours, with an Attendant, at the cost of \$343.40.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**-8/02/17 Trip to Dave & Buster’s –**

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan authorizing reimbursement of \$127.30 to Bonnie O’Blenis – RE: Payment of gratuity.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**Village-Owned Property**

**RE: Boulder Avenue**

A discussion was held on the ongoing dispute between neighboring property owners regarding parking on the Village-owned property. Several methods of resolving the matter were discussed, including selling the property or posting the area as “No Parking”.

Attorney Cassidy will look into the required procedure for selling the property.

**RE: 40 5<sup>th</sup> Street**

Mayor Flanagan stated the property is going to go to Habitat for Humanity, for the construction of a single family dwelling.

-Attorney Cassidy is to look into the required procedure to deed the property to Habitat for Humanity.

**8/07/17 Funeral/Repast for Armond Boone (Husband of Village Clerk-Treasurer Mary Boone)**

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to ratify expenses, in the total amount of \$413.15, for flowers and refreshments.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Mayor Flanagan acknowledged the presence of Sean Tichenor. As discussed at the 7/18/17 Board Meeting, Mr. Tichenor is interested in becoming a Building/Fire Inspector.

5:45PM

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to go into Executive Session to discuss pending litigation; and

FURTHER, as no action will be taken on matters discussed in Executive Session, the regular meeting was duly adjourned at 5:45PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None