

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, December 12, 2017 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, December 14, 2017, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 7:00PM.

PRESENT: Craig M. Flanagan, Jr., Mayor
Eleanor J. DeGraw, Deputy Mayor
Bonnie R. O’Blenis, Trustee
Elizabeth K. Cassidy, Village Attorney
Thomas M. Conklin, DPW Supt.
Mary M. Boone, Clerk-Treasurer

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

Meeting called to order by the Hon. Craig M. Flanagan, Jr., Mayor. HFD Chief Shane Starr led in the Salute to the Flag.

Minutes of the 10/24/17 Meeting - Approved by Village Board

Ayes: Deputy Mayor DeGraw & Trustee O’Blenis
Noes: None
Abstention: Mayor Flanagan (absent from meeting)

Minutes of the 11/9/17 Special Meeting – Approved by Village Board

Ayes: Mayor Flanagan & Trustee O’Blenis
Noes: None
Abstention: Trustee DeGraw (absent from meeting)

Minutes of the 11/14/17 Meeting – Approved by Village Board

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis
Noes: None

Village Auditor - PKF O’Connor & Davies – Auditor’s Report for Year Ended 5/31/17

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the Auditor’s Report for Year Ended 5/31/17, as prepared by the Village Auditor, PKF O’Connor & Davies.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis
Noes: None

Street & Water Commissioners Reports – Approved by Village Board.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis
Noes: None

RC Health Department – Water Testing (2nd Half of 2017)

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to approve payment of the 2nd Half 2017 Water Supply Sampling Costs by the RC Department of Health, as follows:

| | | |
|----------------------------|--------------------|-------------------|
| Coliform Bacteria Testing: | 2 Tests @ \$ 65.00 | \$ 130.00 |
| THM & HAA Testing: | 8 Tests @ \$325.00 | <u>\$2,600.00</u> |
| | Total | <u>\$2,730.00</u> |

Ayes: Mayor Flanagan & Trustees DeGraw & O’Blenis
Noes: None

Police Commissioner’s Report –

-RE: Parking on Sidewalks – As witnessed and reported by Trustee O’Blenis, the Ramapo Police Department was notified of the parking of cars on sidewalks in the area of the Suffern Central School District Administration Office.

-RE: Parking on Streets During 12/9/17 Snow Storm – Supt. Conklin stated the Ramapo Police were notified of cars parked on the roads. Supt. Conklin recommended a reminder be posted on the Village sign regarding the parking restriction.

7th St. Drain Pipe Project – Phase II

-Supt. Conklin reported the contractor, Scaffidi’s Paving & Drainage, has completed the project.

-Village Engineer Mancuso reported that the contractor did a good job. A formal memo will be supplied.

-RE: Payment – A claim is forthcoming from Scaffidi’s Paving & Drainage.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis authorizing payment to Scaffidi’s Paving & Drainage, in accordance with the contract, upon receipt of claim.

Ayes: Mayor Flanagan & Trustees DeGraw & O’Blenis
Noes: None

DPW Report – DPW Supt. Thomas Conklin reported:

2016 Ford F550 – The truck has been delivered and made a huge impact during the recent snowstorm. Supt. Conklin thanked the Village Board and Clerk-Treasurer.

-Purchase of Mini Bar Strobe & Rubber Deflector – Quote Received from Traffic Safety & Equipment Co., Inc.: \$397.80

Approved by Village Board

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis
Noes: None

-Plates from the old truck will be removed and taken to NYS DMV tomorrow. The truck will then be placed out for sale.

12/9/17 Damage to Guardrail – Terrace Avenue & Suffern Road – DPW Supt. stated a vehicle travelling on Terrace Avenue collided with and broke through the guardrail on Suffern Road. The Ramapo Police were called and a Report is forthcoming.

Garbage Collection – DPW Supt. reported that the contractor, Menichetti Carting, is collecting the garbage at various times of the day, overloading the trucks and bags have fallen off and left in the roadway.

-Mayor Flanagan stated a meeting with Peter Menichetti will be scheduled for Friday morning.

Orange & Rockland - RE: LED Upgrade of Village Buildings - DPW Supt. Conklin reported O & R conducted an audit of Village buildings and a meeting has been scheduled for 12/15/17 to discuss the upgrade of Village buildings to LED.

7:15PM – Public Hearing – Introductory Local Law 2 of 2017

A Local Law to Impose a Moratorium on Land Use Approvals and Building Permits.

The duly posted and published Notice of Public Hearing was read aloud by the Village Clerk-Treasurer. Notice of the Public Hearing was also placed on the Village's entrance sign.

-Attorney Cassidy summarized the purpose of Introductory Local Law 2 of 2017: In 2016, a Master Plan Committee was appointed by the Village Board to work with the Village's Planner, Nelson, Pope & Vorhees, to review the Village's zoning and to prepare an updated Comprehensive Development Plan. The Committee has determined there may be several components/uses that may no longer be permitted in the new Zoning Local Law and recommended that a moratorium on land use and building be imposed during their review. The moratorium would be for a period of 9 months and may be extended an additional 6 months, if necessary. Property owners may seek relief from the moratorium by filing a written request to the Village Board.

Public Hearing was opened for public comment.

-Vulfrano Lazcares (39A Seventh St) questioned if copies of the local law are available.

-Mr. Lazcares was informed that the duly posted and published Notice of Public Hearing stated that Introductory Local Law 2 2017 was available for review. A copy can be obtained at the Village Office.

Attorney Cassidy advised that Introductory Local Law 2 of 2017 was referred to several agencies. The RC Sewer District and the RC Planning Board GML provided comments, but no objections.

-Mayor Flanagan stated the implementation of a moratorium will prevent property owners from investing in a project that may not be permissible in the new Zoning Code. The Master Plan Committee has held productive meetings geared toward the vision of our community 10 to 15 years in the future.

Timothy Williams (31 Sixth St) stated he is a member of the Master Plan Committee and urged property owners to take the online survey, as outlined in the postcard that was enclosed with the November 2017 Village Memo. Multiple people in the household can use the survey code number assigned to the residence. The deadline date to submit the survey has been extended to 12/31/17. Hard copies of the survey are available at the Village Office for those with no access to a computer, or who experience difficulty logging onto the website.

Chevron Torres (54 Fifth St) questioned the recourse for property owners who threw the postcard away that lists the survey code number. (The Survey Code number can be obtained at the Village Office).

Richard Morales (128 Sixth St) advised that when you are in the survey and view the map, it takes you out of the page. He stated the importance of property owners completing the survey to insure positive change in our Village. He would like to see the Master Plan include solar panels.

-Mr. Lazcares mentioned his previous request for the Village to take over the privately owned portion of Seventh Street. (Matter will be discussed at a later date)

-Rosalie DeGroat (23 Sixth St) stated a street light is needed in area of her home.

-Kathleen Breen (23 Rockland Ave) questioned if the Master Plan Committee would consider a second mailing of the postcards regarding the online survey.

With no further comments,

A MOTION was made by Trustee O'Blenis and seconded by Trustee DeGraw to close the Public Hearing at 7:35PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

The following RESOLUTION was offered by Trustee DeGraw and seconded by Trustee O'Blenis who moved its adoption:

WHEREAS, the Village of Hillburn is in the process of preparing a comprehensive plan and updating its subdivision and zoning law;

WHEREAS, the Village of Hillburn has appointed Nelson, Pope & Voorhis, LLC to prepare a comprehensive plan and zoning law updates;

WHEREAS, the Village has appointed a Comprehensive Plan Committee to evaluate the needs of the Village and develop a comprehensive plan;

WHEREAS, the Comprehensive Plan Committee together with Nelson, Pope & Voorhis, LLC has made significant efforts toward developing a comprehensive plan and zoning law amendments and anticipates that draft documents will be ready in approximately six to nine months;

WHEREAS, the Village wishes to avoid land use applications that would be inconsistent with the proposed comprehensive plan and zoning update;

WHEREAS, the Village Board of Trustees, in consultation with its consultants, has determined that it is in the best interest of the Village to impose a moratorium on certain land use and building permit applications;

WHEREAS, Introductory Local Law 2 of 2017 was duly introduced to the Village Board of Trustees on October 10, 2017;

WHEREAS, a land use moratorium is a Type II action under the State Environmental Quality Review Act and no further environmental review is required

WHEREAS, Introductory Local Law 2 of 2017 was referred to Rockland County Department of Planning, Town of Ramapo, Village of Suffern, Town of Mahwah, NJ and Palisades Interstate Park Commission pursuant to General Municipal Law 239-II et seq.;

WHEREAS, a duly noticed public hearing was held on December 12, 2017;

NOW, THEREFORE BE IT RESOLVED, that Introductory Local Law 2 of 2017, A Local Law Imposing A Moratorium on Land Use Approvals and Building Permits is hereby adopted by the Village Board of Trustees as Local Law 2 of 2017.

Ayes: Craig M. Flanagan, Jr., Mayor
Eleanor J. DeGraw, Trustee
Bonnie R. O'Brien, Trustee
Noes: None
Abstain: None

RESOLUTION was unanimously adopted.

HFD Report – Chief Starr reported:

RE: Request for Purchase of 12 Radio Cases & Straps – Vendor: Witmer Public Safety Group, Inc. – Total Quote: \$590.00.

Approved by Village Board

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien
Noes: None

HFD Starr thanked the Village Board for allowing the HFD to participate in two Christmas parades (the parade in Orangetown was cancelled due to snow).

RE: Fire Alarm Response - The HFD responded to an automatic fire alarm at 12:30AM on 11/14/17 - Location: 331 Route 17. Upon arrival, it was determined there was a fire on the roof (AC Unit). The Building Inspector was called.

RE: FireGrantsHelp.com - Proposal for Grant Writer Services – Fee: \$2,250.00 – Full Application Assembly and Grant Writing (Incl. GAP Sponsor Discount) - Grant: AFG FY17 – Turnout Gear Project - Chief Starr stated the grant request would be for 30 sets of Turnout Gear and provided a quote from Hi-Tech Fire & Safety, Inc. in the amount of \$100,466.40. There is approximately a 70% chance of receiving a grant.

-Mayor Flanagan stated matter will be addressed after his meeting with the Town of Ramapo Supervisor-elect on 12/20/17. Chief Starr's attendance at this meeting was requested to discuss the fee for fire coverage of Town of Ramapo Fire Protection Districts 1 and 5. Chief Starr stated approximately 65% of the fire calls are within these districts.

-Attorney Cassidy advised a Public Hearing regarding Town of Ramapo Fire Districts 1 and 5 is scheduled for tomorrow, 12/13/17 at 7:02PM. Mayor Flanagan stated the Town Supervisor advised the Public Hearing was going to be delayed.

RE: Penflex – Chief Starr reported he is in receipt of the Data Request Package. Information will be posted for 30 days beginning 1/1/18. (Package to be presented to the Village Board prior to March 31, 2018)

O & R – RE: NY Public Service Commission Case 16-E-0226; O & R's Add' 1 LED Street Lighting Options Available to Municipalities – O & R will upgrade of 9 streetlights to LED at no additional fee along the 4th St. Corridor.

Village Engineer's Report - Engineer Eve Mancuso reported:

-7th St. Drain Pipe Project – Phase II – As reported earlier, Engineer Mancuso will supply a memo recommending payment.

-Hillburn Youth Center HVAC Replacement Project - The Village Engineer reported the base project and alternate work are complete. An onsite inspection will be scheduled with the DPW Supt. and Building/Fire Inspector. Warranty and Underwriters Information is needed.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to approve payment to Design Air, Inc., subject to receipt of required documents and formal report from the Village Engineer.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien
Noes: None

Mayor Flanagan extended thanks to Senator Carlucci for his assistance in obtaining the funding for this project.

-Salomone Bros. of NY – Bond #1167100 RE: Building Permit #124415

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to release Bond #1167100, dated 12/3/15, posted by Salomone Bros. of NY, as recommended by the Village Engineer.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien
Noes: None

Village Attorney's Report – Attorney Cassidy reported:

Village of Hillburn v. Losner – Attorney Cassidy reported the next Court Date is scheduled for 12/14/17. Information regarding the litigation will be discussed in Attorney/Client session.

-Mayor Flanagan questioned the paperwork submitted by Mr. Losner.

-Attorney Cassidy stated a Building Permit Application was submitted by Mr. Losner and was deemed incomplete/insufficient. There is a limited time for Mr. Losner to submit a proper, complete application.

-Claim filed by Village Attorney

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw authorizing payment of the following claim:

12/1/17 Claim - Invoice #0637 – Hillburn vs. Losner: \$717.50

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien
Noes: None

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 –

-Receipt of the fully executed Stipulation with attachments is still pending by the Village Attorney from Stoneworks Est., Inc.

Energy Contract with Constellation NewEnergy, Inc. – As approved, Contract was signed by Deputy Mayor DeGraw on 11/14/17.

Village of Hillburn vs. Nicholas Ciancioruso, et.al. (Creelman Road) - RE: Litigation Regarding Illegal Operation of a Contractor's Yard on Property located on Creelman Road in Violation of Stop Work Order
Matter to be discussed in Attorney/Client session.

Village of Hillburn vs. Creelman Road Property Owners

-Claim filed by Village of Hillburn's Special Counsel: Jacobowitz & Gubetz:

A MOTION was made by Trustee O'Blenis and seconded by Trustee DeGraw authorizing payment of the following claim:

11/28/17 Claim – Invoice #269196 – Special Counsel: \$1,918.73

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

11/28/17 NYS Dept. of State – RE: More Restrictive Local Standards for Construction and Local Energy Codes (Update to Uniform Fire Prevention & Building Code and State Energy Code, etc.)

As recommended by the Village Attorney, the Village Board tabled action on matter until input is received from the Building/Fire Inspector.

Insurance –

Selective Insurance – Endorsement Change – RE: Addition of 2016 Food F550 Dump Body.

-The plates for the 2001 GMC will be submitted to the NYS DMV and the truck will be removed from the Village's insurance.

Various Capital Improvements (In accordance with 9/1/16 Bond)

A Financial Report as of 11/30/17 was supplied by the Village Clerk-Treasurer.

Verizon 5 Year Special Franchise Agreement – Expiration Date: Oct. 2017

-Attorney Cassidy reported the Draft Franchise Agreement, approved by the Village Board on 10/24/17, has been returned to Verizon. Verizon will notify the Village when they are ready to schedule a Public Hearing.

Tax Certioraris – (2014, 2015, 2016, 2017) –

Tax Certiorari – Mt. Fuji v. Village of Hillburn (Tax Years 2014-15, 2015-16, 2016-17 and 2017-18)

Attorney Cassidy reported on the proposed Stipulation of Settlement.

A MOTION was made by Trustee O'Blenis and seconded by Trustee DeGraw to accept the following Stipulation of Settlement, subject to receipt of a fully executed Agreement.

Assessment Years 2014-2017 – Litigation would be discontinued
Reduction of Assessment: From: \$1,000,000 To: \$514,600
Lump Cash Refund: \$40,000.00 (to be paid in 2 installments)

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

-Invoice #504 –Law Office of Rebecca Speno – Fujita Trust v. Village of Hillburn - \$350.00. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

2018 Village Election – Tuesday, March 20, 2018

Village is in compliance with the deadlines listed in the Calendar of Dates.

2018 Assessment Roll - Taxable Status Date: January 1, 2018.

-A meeting of the Hillburn Board of Assessors is scheduled for Thursday, 1/4/18 at 4:00PM.

2016 Master Plan Committee –

Survey Supplied to Property Owners – As reported earlier, the deadline to complete/submit the survey, either online or by hardcopy, has been extended to 12/31/17.

Invoice #15506 – Nelson Pope & Voorhees: \$2,642.50.00 (Funding: 9/1/16 Bond). **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

Community Development –

2018 CD Program –The minutes from the 11/2/17 and 12/5/17 Citizens Advisory Committee have been provided.

-The RC CD Office contacted the Village Office today to schedule the required Public Hearing for the first Village Board Meeting in February. Notification of the scheduled 2/13/18 Village Board meeting will be sent to the RC CD Office, along with the meeting minutes.

2020 Census – Local Update of Census Address Operation (LUCA) – The Village of Hillburn is registered.

Zoning Board of Appeals – Next Meeting scheduled for Tuesday, 12/19/17.

Planning Board – Next Meeting scheduled for Thursday, 12/21/17.

Building/Fire Inspector's Report – Inspector Adam Gordon not present (Vacation)

Escrow

Status of Escrow Accounts Report @ 11/30/17 was supplied. (There are claims pending before the Planning Board)

Senior Citizens – Senior Citizen President-elect Diana DeGroat reported:

-Mayor Flanagan was requested to attend the 1/8/18 meeting to swear in the newly elected Officers for the 2 Year Term 2018-2020.

-Recent Trips/Events: Trip to Recycling Center and 12/11/17 Christmas Party held at Crown Plaza.

-Plans are being made for great trips in the upcoming year. All eligible residents (55 years of age or older) were urged to join the organization.

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

-Thanks were extended to Ciara Henry (Rudolph) and Olive Lee (Frosty) for participation in the 2017 Christmas Tree Lighting Celebration.

-Christmas Party at Youth Center – Saturday, 12/16/17 – Request for DPW to bring 6 round tables and 20 chairs to the Youth Center from the Community Room. Also, the DPW was requested to clean the Youth Center on 12/15/17.

-Cooking Class – Stacy McIntosh has completed the required Food Service Training Program and the Certification is posted at the Youth Center (a copy will be supplied to the Village Office).

2018 Summer Camp & Program

Registration for the Payment Plan for the Camp Registration Fee is scheduled for Saturday, 1/20/18 from 10AM-12Noon.

Michelle A. Noel Scholarship

-The deadline to file applications for the 2018 Camp Program is 1/2/18.

-Request to hold fundraiser at Youth Center: Bingo – Saturday, 1/27/18. **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Hillburn Sewer Rebate Committee – Trustee DeGraw reported Applications are still being received. In addition to providing rebates to property owners who hook up to the sewer system, the RC Sewer District Usage Charge for Village-owned Building: 37 5th St., (\$2,001.67 - 11/7/17 Invoice for 2016 (4 Months) and 2017 (12 months)) was also paid out of the Village’s sewer account.

Public Comments

Chevron Torres (54 5th St) questioned the status of the proposed designation of a portion of Sixth Street (from Brook Street to Chestnut Avenue) as One Way. She stated her opposition to the proposal, as it will increase the traffic on 5th St.

Ernesto Rivero (20 Fulton Pl) stated he uses the respective portion of Sixth Street to go to his home and he also disagrees with designating it as one way.

(Matter is still under further review by the Village Board and Village Attorney)

Nelson Scott (64 Fifth St) questioned if the Youth Center and DPW Garage could be used for fire training. (Mr. Scott was directed to file the required Application for Use of Village Property).

Tim Williams (31 Sixth St) questioned the status of repair to the 4th Street railroad bridge.

-Mayor Flanagan stated that this will be a topic of discussion at the 12/20/17 meeting scheduled with Town of Ramapo Supervisor-elect Michael Specht.

-**Mr. Rivero (20 Fulton Pl)** reported tree limbs are blocking the street light on Fulton Pl. (DPW to follow up on same)

Applications for Use of Hillburn Community Room:

-Applicant: Bonnie O’Blenis Date: 11//25/17 (11:00AM–5:00PM) - Purpose: Repast

-Applicant: Craig Flanagan, Jr. Date: 12/06/17 (12:00Noon – 5::PM – Purpose: Repast

Ratified by Village Board

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-The Village Clerk-Treasurer stated that while fees may be waived, Certificates of Insurance should always be provided.

10/28/17 Use of Youth Center – Katherine Eugene

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw that, in consideration of the long delay in providing access to the Youth Center on 10/28/17, a partial refund of \$50.00 (1/3 of the \$150 rental fee) be granted to Katherine Eugene.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Correspondence - The Village Board acknowledged receipt of copies of correspondence, regular and email, including:

-RC Youth Bureau – 12/20/17 Open House – 1:00PM-4:00PM – 50 Sanatorium Rod, Bldg. A, Pomona, NY.

-County of Rockland – Invitation to attend the Swearing-In Ceremony of The Honorable Edwin J. Day – 1/1/18 – 12:00Noon. – RC Fire Training Center.

2017 Local Government Records Management Improvement Fund Grant (LGRMIF) – Grant Award: \$28,631.00 – Documents (Building Dept.) have been boxed and sent out for scanning with the Contractor, NYSID/ New York State Industries for the Disabled, Inc.

Voucher Claims were reviewed by the Board who approved payment of same.

Scheduled January 2018 Village Board Meetings: January 16th & January 30th.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to adjourn the meeting at 8:27PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None