

**VILLAGE OF HILLBURN**

**Board of Trustees Meeting**

**Tuesday, December 4, 2018 – 7:00PM**

**MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, December 4, 2018, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 7:00PM.**

**PRESENT:** Craig M. Flanagan, Jr., Mayor  
Bonnie O’Blenis, Trustee  
Eleanor J. DeGraw, Trustee  
Richard Ellsworth, Village Attorney  
Eve Mancuso, Village Engineer  
Thomas M. Conklin, DPW Supt.

**RECORDER OF MINUTES:** Robin Miele, Clerk-Treasurer

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Meeting called to order by the Hon. Craig M. Flanagan, Mayor. Village Engineer Eve Mancuso led in the Salute to the Flag.

*A Moment of Silence was held in memory of  
former Trustee Thomas Scott  
who passed away on November 29, 2018*

**Minutes of the 11/13/18 Meeting – Approved by Village Board.**

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

**NYS Municipal Workers’ Compensation Alliance - Workers’ Compensation Renewal (Jan. 1, 2019 – Dec. 31, 2019)**

Garrett Durland, President of Seely & Durland Insurance, was present at the meeting and addressed the Village Board.  
-The proposed renewal quote for the period 1/1/2019-12/31/19: Premium: \$36,215 reflects a 20% increase over expiring policy). Reason: Increase in payroll and increase in experience modification factor (EMF).  
-Attorney Ellsworth stated that competitive bidding is not required.

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to accept the proposal from NYS Municipal Workers’ Compensation Alliance for Workers’ Compensation coverage at a premium of \$36,215 and authorizing Mayor Flanagan to sign the Member Participation Agreement.

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

**Street & Water Commissioners Reports – Approved by Village Board.**

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

**Police Commissioner’s Report** – Ramapo Police Officer Samora was present and reported the Village is quiet. Tickets are being issued for violations of the new Stop signs in the Village.

**Village Auditor - Berard & Associates CPAs, P.C. – Auditor’s Report – FYE 5/31/18**

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the Audit Report for FYE 5/31/18, as prepared by Berard & Associates CPAs, P.C.,.

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

**DPW Report – DPW Supt. Thomas Conklin**

-Leaf Collection – 12/10/18 is the deadline for placing loose leaves at curbside.  
2008 Ford F150 -Truck Body – Matter still pending.  
-Perfect Cut Tree Service – Work Approved by Village Board on 11/13/18 – Work is scheduled for 2/4/19.  
-Hudson Valley Water Works Conference – Membership Renewal (1/1/19 – 12/31/19) – Water Operator: Thomas M. Conklin - Fee: \$30.00. **Approved by Village Board.**

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

**Rockland County Shared Services Plan** – Matter remains tabled.

**4<sup>th</sup> Street Railroad Bridge - RE: Resurfacing by Town of Ramapo** – The Grant Application filed by the Town of Ramapo was denied. Mayor Flanagan stated he had spoken with Mona Montel of the Town of Ramapo who advised that if the Village of Hillburn bonded the cost of the project (Approx. \$300,000) the Town of Ramapo would be willing to make the payments. Matter was tabled.

**Town of Ramapo – 2018 Fire Districts Agreements – Outstanding Balance due the Village of Hillburn – \$20,000.00**

Payment has not been received as of this date.

**7:15PM – Public Hearing – Verizon Franchise Renewal Agreement**

The Notice of Public Hearing, that was duly posted and published in the Journal News on 11/23/18, was read aloud by the Village Clerk.  
Verizon’s Attorney, John L. Harrington of Kerbey Harrington Pinkard, LLP, was present at Hearing and addressed the Board. Due to the competitive climate of the business, the term of the Agreement is only 5 years (original term: 10 years); however, the financial package is more favorable to the Village.  
-Mayor Flanagan questioned the status of Verizon’s removal of double poles.  
Mr. Harrington stated he will follow up on same. (DPW Supt. to provide an updated list of double poles).  
Hearing was opened for Public Comment. There were no comments.

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to close the Public Hearing.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

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

**WHEREAS**, New York Village Law empowers a Village Board of Trustees to grant franchises and licenses to public service companies, and

**WHEREAS**, New York Public Services Law requires public service companies to enter into franchises and licenses in order to offer services within a Village, and

**WHEREAS**, Verizon provides public services to the residents of Hillburn, New York, and

**WHEREAS**, the franchise agreement between Verizon and the Board of Trustees has expired, and

**WHEREAS**, the Village Board of Trustees and Verizon have negotiated a Renewal Franchise Agreement with terms acceptable to both parties, and

**WHEREAS**, pursuant to New York Village Law and New York Public Services Law, a public hearing was held on December 4, 2018 at 7:15PM, in the Municipal Meeting room of Village Hall located at 31 Mountain Avenue, Hillburn, NY 10931;

**NOW, THEREFORE**, for all of the foregoing reasons, **BE IT RESOLVED**, that the Village Board of Trustees hereby authorizes the Mayor to execute a Renewal Franchise Agreement with Verizon under the terms and conditions set forth in said agreement which is annexed to and made a part of this Resolution.

**Ayes: Craig M. Flanagan, Jr., Mayor**

**Bonnie O’Blenis, Trustee**

**Eleanor DeGraw, Trustee**

**Noes: None**

**Abstentions: None**

**Resolution was unanimously adopted.**

#### **2018 NYS Firefighter Cancer Benefit Program**

11/13/18 Email from Garrett Durland – Seely & Durland Insurance - Information Needed to Obtain Quotes – The list of Interior firefighters with 5 years of service, as provided by HFD Chief Starr, has been supplied to Mr. Durland.

-Attorney Ellsworth stated the program must be made available to qualified HFD members by 1/1/19. In addition to years of service, there are additional requirements for eligibility, including successfully passing a physical.

-Mayor Flanagan questioned who is responsible for the cost for the physicals. Attorney Ellsworth stated it is the Village’s obligation.

**HFD Report** – Chief Starr was not present

-HFD Chief’s Car (2017 F-150 Ford Truck) – Notification of Recall – Repair: Install additional sealing to doors to prevent frozen door latches. (Mayor requested DPW Supt. to follow up on same, as well as all Village owned vehicles)

#### **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**

Attorney Ellsworth stated he had received an email from Ira Emanuel, Esq., Attorney for Noved Building Mgmt., with an attached letter requesting a Waiver from the moratorium.

-As confirmed with the Village Clerk-Treasurer, the request was not filed at the Village Office and; therefore, no action was taken.

-Attorney Ellsworth stated that both he and Mayor Flanagan must recuse themselves from acting on a request for waiver. Special Counsel, Jacobowitz & Gubitza can continue to advise Trustees O’Blenis and DeGraw regarding the request for waiver, as it is addressed in the pending litigation stipulation. However, if the waiver is granted, special counsel will have to be appointed for any application filed with the Planning Board and ZBA.

#### **LED Street Lighting Upgrade**

**-O & R – RE: NY Public Service Commission Case 16-E-0226; O & R’s Add’l LED Street Lighting Options Available to Municipalities – Upgrade of 9 streetlights to LED along 4<sup>th</sup> St. – Approved upgrade still pending.**

**-RealTerm Energy LED Street Light Proposal –**

Attorney Ellsworth stated that the proposed Agreement is acceptable from a legal standpoint; however, he has the same issue as he had in June, whereby the cost of the Program is shown in the proposal, but not in the Agreement.

-Mayor Flanagan stated a workshop meeting will be held tomorrow, 12/5/18 at 5:00PM with Sandy Stead of RealTerm to discuss same.

**Village Engineer’s Report - Engineer Eve Mancuso reported.**

MS-4 Mapping Grant – Outfall data is being collected to be recorded on the electronic tablet. Claims paid to Brooker Engineering, as well as in-kind services (i.e. paid time spent to DPW), going back too 2015, can be claimed to meet the Village’s matching cost of \$4,000.00.

Claims: **Approved by Village Board.**

Invoice #153437 – RE: Hillburn General Engineering (10/1/18 – 10/31/18) \$180.00

Invoice #153438 – RE: Hillburn MS-4 Stormwater Mapping Grant \$ 86.25

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

**Village Attorney's Report – Village Attorney Richard Ellsworth****Pending Litigation – Village of Hillburn v. Losner** – Next Court Date: 12/12/18.

-Attorney Ellsworth reported that work has been done on the dwelling under Bldg. Permit #020218 issued 2/21/18 (Work Authorized: Repair of existing deck/landing; repair porch and roof section). A meeting with the Village Engineer is needed to discuss if the dwelling is structurally safe for use/occupancy.

**Satori Energy (Constellation Contract) – Electric Supplier – Expires December 2018 – Renewal Options** –

-A 24 Month Constellation Electricity Contract was provided by Satori Energy – Contract Rate: \$0.05742.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to renew the contract with Constellation Electricity for a 24 month period and authorizing Mayor Flanagan to sign same.

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

**Sexual Harassment Policy & Prevention Training Update**

Attorney Ellsworth stated he has not yet reviewed the Village of Hillburn's existing Sexual Harassment Policy to determine if it complies with the new regulations.

**7:42PM**

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to suspend the regular meeting in order to go into Executive Session – RE: Personnel.

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

**7:55PM**

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to reopen the regular meeting.

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

**Insurance**

Paid Family Leave (PFL) – 11/21/18 Correspondence from New York State Insurance Fund notifying that on 8/31/18, the Dept. of Financial Services published the 2019 PFL Rate: Effective 1/1/19 – 0.153% of an employee's weekly wage.

**Various Capital Improvements (In accordance with 9/1/16 BAN)** –

The Village Board acknowledged receipt of a Financial Report as of 11/30/18, as prepared by the Asst. Village Clerk-Treasurer.

**2019 Assessment Roll**

A Board of Assessors' Workshop Meeting was scheduled for Thursday, January 10, 2019 at 5:00PM.

-NYS Dept. of Taxation and Finance – 12/4/18 email – RE: 2019 RAR: 13.14.

**Office of Real Property Tax Services – RPS Annual Licensing Fee for Fiscal Year 2018-19 - \$750.00 (Assessment Roll Program) Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

**2019 Village Election – Tuesday, March 19, 2019**

The Village is in compliance with the Calendar of Dates for NYS Village Elections.

**2016 Master Plan Committee** –

Committee Secretary, Parquiris DeLeon, reported the next Committee meeting is scheduled for Sat., 12/15/18 at 10:00AM at Village Hall.

**2020 Census – Local Update of Census Address Operation (LUCA)** – Deputy Village Clerk Yvonne Van Dunk is following up with same.**Zoning Board of Appeals** –

345 Route 17, LLC – ZBA Application submitted on 11/13/18 – Application was referred to the Village Engineer for review. Engineer Mancuso provided an 11/21/18 letter outlining items needed from the applicant to complete the application. No response has been received from the applicant at this date.

**Planning Board** – Next meeting: 12/19/18**Building/Fire Inspector's Report** – Inspector Gordon on vacation from 12/7–15/18. (Misc. correspondence was acknowledged)**Escrow** - Status of Escrow Accounts Report @ 11/30/18 was supplied.**-RE: Jay Kim – 11/10/16 Building Permit Application (Escrow to cover Inspections, etc. by Village Engineer)**

Property I.D.: 47.18-1-28.2 – 111 Sixth Street - Balance of Escrow at 11/30/18: \$27.00.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to require the applicant, Jay Kim, to remit additional escrow, in the amount of \$300.00, to cover inspections costs by the Village Engineer.

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

-11/13/18 – Invoice #153439 filed by Brooker Engineering – RE: Jay Kim - 11/10/16 Building Permit - \$172.50

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to approve payment of Invoice #153439, upon receipt of additional escrow by the applicant, Jay Kim.

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

-10/31/18 Inv. #400.421-9 filed by Spence Engineering – (RE: SUEZ Water New York - 8/16/18 Building Permit #082218): \$541.00. **Approved by Village Board**

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

**Senior Citizens** –

-Diana DeGroat, Senior Citizens President, invited the Village Board to attend the Hillburn Seniors’ Annual Holiday Party on 12/6/18, from 12:00PM – 3:00PM at the Nyack Seaport. Mayor Flanagan and Trustee O’Blenis stated they are unable to attend; Trustee DeGraw will be attending.

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

-**Annual Christmas Party – 12/15/18** – The time for the party has been changed to 5:00PM – 7:00PM. Request for the event to be placed on the Village marquee, along with the registration deadline of 12/7/18.

**Michelle A. Noel Scholarship** – Applications are due by 12/21/18. Request for notice to be placed on Village marquee after the Christmas Party.

**Purchase of Laptops** – (2) Quotes were obtained: PC Richards: \$229.99 each Best Buy: \$249.99 each  
Request to purchase 5 laptops from PC Richards.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to increase the 11/13/18 approved expenditure for the purchase of laptops from \$1,000.00 to \$1,150.00, and FURTHER, to approve the purchase of (5) laptops from PC Richards.

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

**2018-19 After School Program** – Request for \$200 petty cash (snacks) **Approved by Village Board**

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

**Time Capsule** – Request to close the Time Capsule at the next Board Meeting (waiting on photos from Hillburn Day) **Approved by Village Board**

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

**Hillburn Directory** – Suggestion to add email addresses to the 2019-2020 Directory. **Approved by Village Board**

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

**Hillburn Sewer Committee**

**RE: Terrace Avenue DPW Garage Sewer Connection** – Supt. Conklin reported the DPW could not locate the septic tank on the side of the building.

**Public Comments** – None

**Seventh Street (Private Road)** – Supt. Conklin stated that during the recent November snowstorm, it was determined that there is an issue with plowing the area due to new paving at the end of the road.

At the direction of the Village Attorney, the Village Board directed the DPW Supt. to cease plowing on the private road.

**RC Community Development Program** – Trustee O’Blenis reported she had attended the 11/28/18 RC Consortium Meeting in Pomona, NY and the Village of Hillburn does not qualify for funding based on the eligibility requirements. It was the consensus of the Village Board that no application be filed.

**Request for Use of Community Room**

Rhonda Jennings – Saturday, 12/8/18 from 12:30PM to 3:00PM – Memorial Repast). Insurance has been provided.

No fee required (Planning Board Member) **Approved by Village Board**

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

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

-NY Dept. of Public Service – 11/20/18 Notice –RE: Dept. of Public Service, O & R Utilities & Other Parties – Joint Proposal regarding (3) Year Electric & Gas Rate Plans for O & R – Scheduling Public Statement Hearings / Submittal of Comments.

-Ramapo Town Supervisor – Invitation to attend upcoming event: Veterans Christmas Gift Bag Distribution – 12/15/18 from 9:00AM to 11:00AM – Sloatsburg Village Hall.

-Scott Milich – congers Valley Cottage Rotary – Invitation to attend a presentation on 12/7/18 at 12:00PM – NYC Operation Nexus Presentation – Counter Terrorism Unit.

-RC Dept. of Planning – Copies of GML Reviews – Town of Ramapo’s Proposed Changes to Amend Zoning Law.

**Scheduling of Meetings – January 2019:** January 15<sup>th</sup> and January 29<sup>th</sup>

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

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

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