

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, February 11, 2020, in the Hillburn Municipal Building, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 7:00PM.

PRESENT: Joseph P. Tursi, Mayor
Bernadette A. Tarantino, Trustee
Bonnie O’Blenis, Trustee
Terry Rice, Village Attorney
Thomas Conklin, DPW Superintendent

ABSENT: Eve Mancuso, Brooker Engineering

RECORDER OF MINUTES: Robin Miele, Clerk-Treasurer

Meeting called to order by the Hon. Mayor Joseph Tursi. DPW Supt. Thomas Conklin led in the Salute to the Flag.

Minutes of the 1/28/20 Meeting - Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

Street & Water Commissioner’s Report - Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

Police Commissioner’s Report – Police Commissioner Mayor Tursi

RESOLUTION NO. 2 OF 2020

REQUESTING AMENDMENTS TO NEW YORK STATE'S CRIMINAL JUSTICE REFORMS

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

WHEREAS while there was a need to reform New York’s criminal justice statutes during the 2019 state legislative session, it is widely recognized that several of the drastic changes in the laws pertaining to discovery are overly broad and vague and are having unintended consequences at the municipal level; and

WHEREAS the dramatically shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for cities and villages with police departments, local justice courts or code/parking enforcement departments; and

WHEREAS the discovery reforms mandate prosecutors disclose evidence to the defense within 15 days of arraignment for criminal charges (even if the defendant is not in custody); and

WHEREAS drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of city and village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute vehicle and traffic and local code infractions and violations in compliance with the new discovery mandates; and

WHEREAS arraignment must now take place within 20 days of desk appearance ticket issuance, thereby requiring justice courts, many of which convene monthly, to meet more frequently; and

WHEREAS cities and villages will not reap savings from the bail reform's reduction of the burden on county jails; and

WHEREAS municipalities are already challenged with operating within the now-permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years.

NOW THEREFORE BE IT RESOLVED THAT the Village of Hillburn, New York supports the following set of amendments proposed by the New York State Conference of Mayors that are consistent with the intent of the criminal justice reforms but which will allow for more effective and affordable implementation:

- Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
- Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges;
- Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony;
- Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis;
- Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

AND BE IT FURTHER RESOLVED that this duly adopted resolution of the Village of Hillburn, New York be forwarded to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator David Carlucci and Assembly Member Ellen Jaffee, the New York State Conference of Mayors, and local media outlets.

Ayes: Joseph P. Tursi, Mayor
Bernadette Tarantino, Trustee
Bonnie O’Blenis, Trustee
Noes: None

RESOLUTION was unanimously adopted.

Mayor Tursi stated that the 4th Street Railroad bridge was officially opened on 2/8/20 with a ribbon cutting ceremony attended by Town of Ramapo Supervisor Michael Specht, Phil Tisi, Senator David Carlucci and Suffern Mayor Ed Markunas.

-Mayor Tursi acknowledged the presence of Police Officer Ourelio. A discussion was held on signage to prevent trucks over 5 Tons from making a right or left turn onto the 4th Street Bridge.

-Trustee O'Blenis requested police visibility on the west side of Route 17. There are children in the area and many cars are going through the Stop sign at the 6th St/Fox Hollow Rd intersection. Officer Ourelio stated he would follow up on same.

DPW Report – Supt. Thomas Conklin

Terrace Ave. DPW Garage– Connection to Sewer Line – Two quotes have been received as follows:

- D & A Construction and Landscaping – Quote Dated *3/18/19: \$5,475.00
- M.P. Olson Excavation, Inc. – Quote Dated 2/04/20: \$8,900.00

A MOTION was made by Trustee Tarantino and seconded by Trustee O'Blenis to award the project to D & A Construction and Landscaping, subject to receipt of an updated quote that does not exceed \$7,000.00, and FURTHER, funding of this project will be out of the Hillburn Sewer Fund.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

-Hudson Valley Water Works Conference – DPW Supt. Conklin requested authorization to register for the Seminars that will be held 4/9/20 and 6/11/20 in Montgomery, NY. **Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

-Excavator Safety Seminar 2020 – DPW Supt. Conklin requested authorization for the DPW staff to attend the Seminar on 3/3/20, from 7:00AM to 2:15PM at the Rockland Community College. **Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

-2003 Ford Expedition – The vehicle was placed on an auction website – highest bid: \$475. Several attempts have also been made to contact BOCES to possibly donate the vehicle – no response.

A MOTION was made by Trustee O'Blenis and seconded by Trustee Tarantino to confirm the 2003 Ford Expedition as surplus, as declared on 8/20/20.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

-Rockland County Hauler Permit (Expires 4/30/20) – The 2020 Application is being processed.

Water Repairs

– Quotes received:

A quote was received from CalMart/Innovative Excavations on 1/14/20 in the amount of \$6,980.00. After inspecting the site, CalMart/Innovative Excavations submitted a revised quote on 1/16/20 in the amount of \$11,798.00.

A quote was received on 1/21/20 from J. Fletcher Creamer in the amount of \$9830.84. After inspecting the site and determining the size of the valve is 6" rather than 8", a revised quote was submitted on 1/23/20, in the amount of \$9,628.44. (Approved by Village Board)

A Purchase Order was issued. Notices supplied to the affected businesses of the scheduled repair date.

-1/10/20 – 6th Street (West Side of Route 17) – Emergency Repair of 12" valve by J. Fletcher Creamer & Son, Inc. - Invoice #C-2001552: \$19,018.11. **Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

-201 Route 59 - J. Fletcher Creamer performed the work on Saturday, 2/1/20. Invoice is pending.

Village-owned Buildings

Youth Center

-Kitchen Fire System – As approved at the 1/28/20 meeting, Campbell Fire Equipment corrected the deficiencies in System on 2/6/20.

-RC Department of Health – Inspection re-scheduled for Thursday, 2/6/20 at 11:00AM.

Purchase of Automated External Defibrillators (AEDs)

-Two Quotes were received for (4) AEDs (Youth Center, Community Room, Village Office & DPW Garage) as follows:

- | | |
|---|------------|
| MES - 2/1/20 Quote - 4 AEDs | \$6,764.00 |
| Stryker - 2/6/20 Quote - 4 AEDs, 4 Pediatric-Paks, *3 Wall Cabinets w/Alarm | \$5,623.10 |

A MOTION was made by Trustee O'Blenis and seconded by Trustee Tarantino to accept the quote from Stryker, subject to obtaining an amended quote to include an additional wall cabinet, at the additional cost of \$114.10.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

4th Street Railroad Bridge – Town of Ramapo Project

As reported earlier in meeting, the 4th St. Railroad Bridge reopened on 2/8/20. Mayor Tursi reported the striping of the roadway is scheduled for 2/12/20. No road closure is necessary.

HFD Report – Chief Starr not present – no report.

-RBC – Portfolio Focus Account Statement – January 2020.

FireGrants Help – Grant Application: Brush/Quick Attack Truck Replacement Project – The application is being finalized.

SAM Capital Funding Grant Application – Sponsored through Assemblywoman Jaffee’s Office – Funding Application: Purchase of Scott Air Packs and Back Hoe - A preliminary application has been filed - no additional report.

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 – Supt. Conklin stated he is awaiting a response.

-Mayor Tursi reported he is awaiting a response from an O & R representative regarding competitive alternatives regarding LED lighting being offered by O & R.

RealTerm Energy LED Street Light Proposal – No further report.

Village Engineer’s Report – Engineer Mancuso (not present)

-RE: Open Manhole Cover reported by Engineer Mancuso on 1/24/20 (north of 4th St, west of railroad tracks in a wooded vegetated area) – DPW Supt. confirmed that the matter was rectified.

-MS-4 Stormwater Mapping Grant –

Claims – Brooker Engineering, PLLC

-Inv. #156836 – MS4 Mapping Grant:	\$6,058.50	Approved by Village Board
-Inv. #156946 – General Engineering (Jan. 2020):	\$ 495.00	Approved by Village Board

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

2019 Road Repavement Program –

NYS DOT – RE: SFY 2019-20 CHIPS, Pave NY and EWR – Request for Reimbursement was filed 2/11/20 – Amount Claimed: \$907.50.

Village Attorney’s Report – Attorney Rice reported:

Hillburn vs. Noved/Nicholas Ciancioruso, et. al. – Attorney Rice reported he had appeared in Court yesterday regarding matter and hearing will continue on Thursday, 2/13/20 and, if needed, the last day of the hearing Friday, 2/14/20. Attorney representing the NYS DEC was present regarding open Notices of Violation.

Attorney Rice gave a summary of the proceedings: RE: Trailer: Judge ordered it to be removed within 10 days; RE: Soil Testing: The County of Rockland has advised that it would not pay for the testing and be reimbursed. The Judge ordered the soil testing report previously submitted by Noved’s contractor to be reviewed by an impartial contractor to determine if there are deficiencies. In regards of the Contempt Complaint filed against the Village, testimonies will be provided by the Attorney and Engineer for Noved; and the Building/Fire Inspector and Special Counsel Ben Gailey for the Village of Hillburn.

Cablevision Franchise Fee Audit – Negotiations are continuing with Attorney Hoch, counsel for Cablevision regarding a settlement.

A MOTION was made by Trustee O’Blenis and seconded by Trustee Tarantino to approve the settlement offer of Cablevision, including but not limited to a one-time \$5,000 cash contribution, and FURTHER, the wording for the final agreement will be at the discretion of Village Attorney Rice.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

Insurance

April 2020-April 2021 Insurance (Policy Expires April 15, 2020) - The Village’s insurance agent, Seeley & Durland, is obtaining quotes from other carriers.

The State Insurance Fund – Policy W 357 246-8 – 1/30/20 Premium Notice: \$2,831.38. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

-Willis Towers Watson –Renewal (1/1/20-1/1/21) – NYS Volunteer Firefighter Cancer Benefit Program - Inv. #2602930: \$1,990.02. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

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

-2/11/20 Financial Report supplied.

Claims:

-Elizabeth K. Cassidy, PLLC - Inv. #1690 (Legal Services):	\$899.87	Approved by Village Board
-Nelson Pope & Voorhis, LLC – GEIS for Comp. Plan:	\$180.00	Approved by Village Board

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

2016 Master Plan Committee – Comprehensive Plan & Related Zoning – Adopted 1/14/2020

Mayor Tursi reported that an update is required on the recently adopted Comprehensive & Relating Zoning. Matter is being followed up with the Village Attorney.

Zoning Board of Appeals –

-Escrow - Application originally filed by Thomas Scott on 2/26/19, as revised per 11/22/19 Narrative Summary (Rehearing held on 2/10/20)

A MOTION was made by Trustee O'Blenis and seconded by Trustee Tarantino that, as recommended by the Zoning Board of Appeals, the applicant be required to post additional escrow in the amount of \$500.00.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

Planning Board – Next Meeting: 2/26/20

-Escrow – 7/23/19 Application to Planning Board filed by 20 & 60 Torne Valley Road

A MOTION was made by Trustee Tarantino and seconded by Trustee O'Blenis that, as recommended by the Planning Board, the applicant be required to post additional escrow in the amount of \$3,000.00.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

-Escrow – 4/14/19 Application to Planning Board filed by Noved Building Management

A MOTION was made by Trustee O'Blenis and seconded by Trustee Tarantino that, as recommended by the Planning Board, the applicant be required to post additional escrow in the amount of \$3,000.00.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

Building/Fire Inspector's Report - Misc. correspondence was acknowledged.**Escrow –****Escrow Accounts Pending Establishment:**

-Noved Bldg. Mgmt – RE: Prof. Ser. rendered prior to filing of 4/4/19 P/Bd App. – Escrow Required: \$5,429.57 (Payment of Claims filed by Brooker Engineering & Jacobowitz & Gubits on hold pending receipt of escrow)

Senior Citizens – A list of upcoming trips for 2020 was provided.

Recreation – Recreation Aide Marcella Perrano reported:

-Things are going well at the Youth Center.

2020 Camp & Swim Program

-As approved, Angie Flanagan and Marcella Perrano will be working additional hours for preparation.

-Pre-Payment Plan Registration: 2/21/20 from 6:00PM to 7:30PM and 2/22/20, from 10:00AM to 12:00noon. Request to put information on Hillburn sign.

-Request to Purchase a Safe from Staples at the cost of \$140.99. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

-The smell of skunk is prevalent in the girls' bathroom. (DPW Supt. will make an inspection).

2020 Tentative Assessment Roll –

The Hearing of Complaints will be held at Village Hall on Tuesday, February 18, 2020 from 6:00PM to 9:00PM.

2020 Village Election – Wednesday, March 18, 2020**Appointment of Election Inspectors**

A MOTION was made by Trustee O'Blenis and seconded by Trustee Tarantino ratifying the appointment of the following Election Inspectors to serve on Election Day at the hourly rate of \$11.50: Dennis Anderson, Susan Anderson, *Helen Peterson and Vivian DeGroat.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

*(Helen Peterson unable to serve. Position to be filled)

Hillburn Sewer Committee – No new applications have been filed.

Hillburn Day/Fall Festival – Committee meeting scheduled: Wednesday, 2/5/20 at 6:30PM.

Concert in the Park – 1/31/2020 Proposal from Manaklin Bros. – Saturday, 6/20/20 - 2.5 Hours Live Band Performance: \$1,000.00. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

Trustee O'Blenis requested a moment to respond to the comments made by Mayor Tursi at the 1/28/20 meeting.

-She would not have approved of the expenditures made regarding the tragic passing of Recreation Aide Michelle Noel (lodging & repast) had the Village Attorney, serving at that time, advised that it was illegal to do so. If it was illegal, she apologizes.

-She would like the Board to respect one another and work together.

Public Comments – None

Applications for Use of Hillburn Youth Center - Approved by Village Board

-Applicant: Kevin Clark, Jr. / Date: 3/29/20 / Time: 1:00PM – 6:00PM Purpose: Wrestling Fundraiser/TV Show (Required: Certificate of Insurance naming the Village of Hillburn as Certificate Holder – Coverage Limit of Liability: \$1,000,000; \$75.00 Rental Fee; Occupancy/Set-Up to be coordinated with Building/Fire Inspector)

Approved by Village Board

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

-Applicant: Kevin Clark, Jr. / Date: 6/27/19 / Time: 1:00PM – 6:00PM Purpose: Wrestling Fundraiser/TV Show (Required: Certificate of Insurance naming the Village of Hillburn as Certificate Holder – Coverage Limit of Liability: \$1,000,000; \$75.00 Rental Fee; Occupancy/Set-Up to be coordinated with Building/Fire Inspector)

Approved by Village Board

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

Application for Use of Hillburn Community Room - Approved by Village Board

-Applicant: David Farrison – Hillburn Community Scholarship Committee – 2/12/20 – 7:00PM – Purpose: Meeting

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

Correspondence - The Village Board acknowledged receipt of correspondence, regular and email.

-RE: Lake Kanawauke Dam – EAP – New York State Dam Inventory No. 196-0353.

-Connect One Bank – Services available.

-Town of Ramapo – Fully executed 2020 Dog Control Services Agreement.

-RC Community Development – RE: Public Hearing. 3/24/2020 scheduled for Hillburn.

Scheduling of Board Meetings – March 2020 – Meetings were scheduled for Tuesday, 3/10/20 and Tuesday, 3/24/20.

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

A MOTION was made by Trustee Tarantino and seconded by Trustee O’Blenis to adjourn the meeting at 8:08PM.

Ayes: Mayor Tursi & Trustee Tarantino
Noes: None