

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, February 13, 2018 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, February 13, 2018, 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. ZBA Member Tim Williams led the Salute to the Flag.

Minutes of the 1/30/18 Meeting – Approved by Village Board

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

Police Commissioner’s Report –

Mayor Flanagan acknowledged the presence of Ramapo Police Officer Minervini who stated the Village is quiet.

Berard & Associates CPA’s PC Agreement – Auditor Services – Y/E 5/31/18, 5/31/19, 5/31/20, 5/31/21, 5/31/22

-Mayor Flanagan acknowledged the presence of DonnaLee Berard, President of Berard & Associates CPA’s PC. On 1/13/18, the Village Board accepted the proposal submitted by Berard & Associates CPA’s PC, located in Suffern, NY.

Ms. Berard addressed the Village Board and provided the following information regarding her firm:

- Services the areas of Rockland, Orange & Westchester Counties, and well as Manhattan.
- Staff of 18. (50% accountants and 50% auditors)
- Currently provides service to 4 other villages, the Towns of Clarkstown and Haverstraw, the Suffern School District, and 120 not-for-profits.
- Company has been in business for 33 years.
- She also serves as Treasurer of the Village of Wesley Hills.

-Ms. Berard stated that her firm will be available to assist the Village Clerk-Treasurer throughout the year, not just at the time of audit.

- Clerk-Treasurer Boone requested clarification regarding a clause in the Agreement stating conditions that would preclude Berard & Assoc. from providing an opinion and/or would cause a withdrawal from the Agreement.

-Ms. Berard stated that the clause would only apply to extreme cases (i.e. books were in a very bad state; unforeseen conditions of the Village, etc.)

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to enter into the 5 Year Agreement with Berard & Associates CPA’s PC and to authorize Mayor Flanagan to sign same.

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

Ms. Berard left the meeting.

DPW Report – DPW Supt. Thomas Conklin reported:

-RC Health Department -2018 Mosquito Control Program – Fee: \$625.00

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to contract with the RC Health Department for the 2018 Mosquito Control at the cost of \$625.00.

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

-Youth Center Roof Repair - Wilke Williams (On-Time Roofing) was contacted to make an inspection.

-Youth Center Front Door Repair – A glass repair company will be contacted to make an inspection.

-Hillburn Youth Center HVAC Replacement Project –

The new registers and manual damper were installed, as approved at the 1/30/18 meeting. A meeting with Larry Savino of Design Air will be scheduled to discuss heat regulation.

12/9/17 Damage to Guardrail – Terrace Avenue & Suffern Road –Clerk-Treasurer Mary Boone reported that the insurance company of the operator of the vehicle, Romulo Pinos, called today and a check is forthcoming.

-Anchor Fence authorized to do repair as per 12/22/17 Quote.

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

January 2018 Ford Recall Notification – RE: 2008 F-350 Super Duty – DPW Supt. Conklin reported he had followed up on the notification by maintaining the recommended tire inflation pressures.

4th Street Railroad Bridge

Marc Conway of Trans American Trucking – Request for Authorization to Utilize the 4th St. Railroad Bridge to Transport a Transformer to a Substation Located on 4th Street – Mayor Flanagan reported that access via the 4th Street bridge will be closed during the delivery of the transformer, that is scheduled for the first week in March. The public will be notified.

-Attorney Cassidy stated she and Village Engineer Mancuso are following up on this matter and coordinating with Metro North to obtain certification that the ridge can hold the weight of the transformer. An application is to be filed with the Building/Fire Inspector for the installation of a pad for the new transformer.

HFD Report – Chief Starr not present.

-As authorized, the 2009 5-Quad was repaired at Ruscon (P.O. #1754) at the cost of \$4,017.30.

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 the 4th St. – Upgrade is still pending.

7:15PM – Public Hearing – 2018 Community Development Program

The Village Clerk-Treasurer read the Notice of Public Hearing that was prepared and publicized by the RC Office of Community Development.

-2018 CD Citizens Advisory Committee member, Beverly Flanagan, was present.

-Projects discussed by the Committee included fire hydrants, upgrade of street lights to LED, repairs to sidewalks, reupholstering of Community Room chairs, rehabilitation of Veterans Memorial Park pond (possible reduce size of pond).

Hearing was opened for Public Comment.

Frank Lazcares (39A 7th St.) requested review of the petition for the Village of Hillburn to take over the privately owned section of 7th Street.

-Attorney Cassidy stated if the Village took over the road, it would have to be brought up to the required street specifications, including increased width which may not be feasible.

-Mayor Flanagan stated the matter will be revisited.

Chevron Torres (53 5th St.) stated that the top portion of the pond could be made into a play area for the children; however, she feels that the shape should be left in tact. Also, the gazebo is in need of repair.

Tim Williams (31 6th St.) suggested upgrades to the 5th Street Recreation Field.

-Mayor Flanagan stated he would like to resurface the basketball courts and install LED lights; however, the field is not used.

-Mr. Williams stated it is important to promote kids getting together and playing outdoors.

-A discussion was held regarding the lack of volunteers, vandalism to lighting and bleachers, etc.

-Attorney Cassidy stated that other municipalities have groups to raise funds for purchase of playground equipment, etc.

-Mayor Flanagan stated the purchase of an additional swing and a baby swing is needed.

Chevron Torres suggested a portion of the 5th St. Recreation Field be paved for a skate park.

With no further discussion,

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

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

The Village Board approved the following two projects for the 2018 Community Development Program:

LED Upgrade of Street Lighting

Youth Center Playground Equipment

Village Engineer’s Report - Engineer Eve Mancuso not present.

-2/12/18 Email from NYS DEC – RE: NYS DEC General Permit GP-3-18-001 authorizing Towns, Villages, Cities and Counties located within Region 3 of the NYSDEC to conduct various activities within state regulated streams, wetlands and wetland adjacent areas (listing of activities provided). (copies provided to Village Board, Village Engineer, Village Attorney, Building/Fire Inspector and Asst. Building Inspector)

Rockland County MS-4 Mapping Grant – Brooker Engineering, PLLC - Proposal for Engineering Services

Breakdown of NYSDEC Grant:

Village of Hillburn’s Grant Allotment: \$12,641

*Required Village Match 4,287

\$16,928

Village’s Share of Consultant fee: (5,078) Consultant Engaged by Stormwater Consortium: H2M

\$11,850

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to approve the proposal received from Brooker Engineering, PLLC, for an amount not to exceed \$11,850.00, and authorized Mayor Flanagan to sign the proposal.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-Claims for Engineering Fees - Approved by Village Board:

2/8/18 Claim – Invoice #124059 – General Engineering (1/01-31/18) \$1,173.50

2/8/18 Claim – Invoice #124060 - Youth Center HVAC Replacement \$ 116.25

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-Claim Against Escrow – Approved subject to Planning Board Approval

2/8/18 Claim – Invoice #12461 - 12/13/17 Planning Board Application \$310.00

American Satellite Uplink (Bldg. #2N – Hillburn Indus. Park)

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Village Attorney's Report – Attorney Cassidy reported

An Executive Session is needed to discuss pending litigation.

RE: Installation of Stop Signs – Attorney Cassidy had reviewed the V & T Law and determined that the adoption of either a Local Law or a Resolution would be required. Attorney Cassidy recommended a Local Law and suggested incorporating Stop Signs, Code Enforcement and Fire Zones in the Introductory Local Law.

-The Village Board authorized Attorney Cassidy to prepare an Introductory Local Law for the next Board meeting.

7:59PM

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan to suspend the regular meeting in order to hold an Executive Session to discuss pending litigation.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

8:20PM

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan to reopen the regular meeting.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

Village of Hillburn v. Losner – The Building/Fire Inspector is in the process of reviewing a Building Permit Application submitted by Mr. Losner.

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 –

-Attorney Cassidy stated she is in receipt of the fully executed Stipulation with attachments from Stoneworks, Inc. and will provide a copy to the Village Clerk-Treasurer.

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 – In Village Court.**Village of Hillburn vs. Creelman Road Property Owners**

-Attorney Cassidy reported that a Notice of Violation has been issued by the RC Drainage Agency for improper fill.

Insurance –

Village Policies expire April 15th. The Village Board agreed to remain with Selective Insurance, pending receipt of a proposal.

-The Village Clerk-Treasurer reported a Public Officials Liability Insurance Renewal Application for Selective Insurance was completed and supplied to the Village's agent, Seeley & Durland. A proposal should be received sometime in March.

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

1/24/18 Claim from Nelson Pope & Vorhees – Invoice #15993: \$3,307.50. **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

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

-Attorney Cassidy reported she had sent an email to Verizon and is awaiting a status update.

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

-Law Office of Rebecca Speno - 1/31/18 Claim Invoice #546 (Fujita Trust) and Invoice #547 (Hillburn Park): \$200.00. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

2018 Village Election – Tuesday, March 20, 2018

One Independent Nominating Petition was filed for the Office of Village Trustee and one Independent Nominating Petition was filed for the Office of Village Justice.

2018 Tentative Assessment Roll –

Hearing of Complaints – Tuesday, February 20, 2018 - The Notice has been duly published and posted

-Notices have been sent to all property owners who have had a change in their assessment on the Tentative Roll.

-The Stipulation of Settlement regarding TOKY Fuji remains tentative at this date (pending Judge's signature)

2016 Master Plan Committee –

Committee Secretary, Parquiris DeLeon, reported the next meeting is scheduled for 3/3/18.

-Attorney Cassidy stated the Master Plan is in the process of finalizing a draft Master Plan and is working on a draft zoning plan. The Village Board may want to consider adoption of two local laws: RE: Historic Landmark Preservation and Zombie Properties.

-The Village Board stated a local law regarding Zombie Properties is a priority and authorized Attorney Cassidy to proceed with drafting an introductory local law.

2020 Census – Local Update of Census Address Operation (LUCA) – Deputy Clerk Yvonne Van Dunk has been participating in webinars.

Zoning Board of Appeals

Application to the Hillburn Zoning Board of Appeals Filed 11/17/17 – Applicant: Vulfrano Lazcares - Action on this application has been tabled pending the Applicant obtaining relief from the Moratorium by the Village Board of Trustees.

Planning Board – Next Meeting: Wednesday, 2/21/18.

Building/Fire Inspector's Report –

-Attorney Cassidy reported the Building/Fire Inspector will attend the next meeting of the Board.

-RE: Creelman Road – Orders to Remedy have been issued to various companies that are parking their trucks in the area.

Escrow

TJG Realty – Building Permit #020111 – Claim was received and the Escrow Account Balance of \$501.89, less the cost of certified mailing, was returned to the applicant. (Total Refund: \$495.33)

United Water New York – 10/30/14 Floodplain Devel. Permit Application + 2/17/15 Bldg Permit Reviews/Preparation – Escrow Account Closed. (\$23.34)

Senior Citizens –

-3/27/18 Trip to New York City – Village Share: \$945.00 (21 Participants at \$45.00 each). **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

-The Senior Citizens Organization has filed an Application for Use of Community Room on Mondays: 4/2, 4/9, 4/16, 4/23, 4/30, 5/7, 5/14 & 5/21/18, Time: 9:45AM – 12:15PM

Purpose: Matter of Balance Classes – Rockland Dept. of Health **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

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

2/3/18 Devious Dirty Bingo – This fundraiser for the Michelle A. Noel Scholarship was a huge success. Thanks were extended to all volunteers and participants.

Open Gym – Grades 2–9 will be held on 2/16/18 from 6:00PM – 8:00PM.

Hillburn Day – Mayor Flanagan reported that the 2018 Hillburn Day will celebrate the 125th Anniversary of the incorporation of the Village of Hillburn (7/24/1893). The first planning meeting was scheduled for 3/3/18 at 1:00PM. Volunteers are needed.

Hillburn Sewer Rebate Committee – Trustee DeGraw reported Applications are still being accepted.

A discussion was held on possible ways to utilize the funds upon completion of sewer hookups. (i.e. creating an LDC, use funding for sewer infrastructure improvements, etc.). Attorney Cassidy will look into matter.

-DPW Supt. Conklin stated that Terrace Avenue DPW Garage still needs to be hooked up to the sewer system.

Public Comments –

Beverly Flanagan (17 Blakeslee Pl) questioned if the bus company will be notified of the closing of the 4th Street Bridge for the transformer delivery. (Attorney Cassidy stated many permits will be required and notifications are required).

Tim Williams (31 6th St) stated that a storm drain is needed in the area of his home.

-DPW Supt. stated it would need to be piped across private property to the gully, as there are no drains nearby.

-**Mr. Williams** suggested the Village have two people obtain certification to provide CPR training to Village employees/volunteers. Also, there are classes available for certification to distribute chemicals for mosquito control.

Applications for Use of Hillburn Youth Center

Krina Shah, M.P.H. , B.D.S. Program Coordinator, New York University School of Medicine - Purpose: Community survey regarding the effects of environmental pollution.

-The Village Board determined that the Hillburn Community Room would be more suitable for this event (access, parking, etc.). A response will be sent to Ms. Shah, advising of the Village Board's approval of the use of the Community Room, and the waiving of the fee, subject to receipt of the following:

- Completed formal Request for Special Use of Hillburn Firehouse Community Room (form attached)
- Completed Memorandum of Understanding (form attached)
- Certificate of Insurance naming the Village of Hillburn as the Certificate Holder.

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

-Sandy Stead - Real Term Energy – Email Request for Meeting to Present an LED Street Light Conversion Overview – The Village Board authorized a response be sent to Ms. Stead inviting her to attend the 2/27/18 Board meeting.

-Ramapo Supervisor Specht – Monthly Meetings with Mayors - 2nd Thursday of each month.

-Brooker Engineering, PLLC – Proposal for Engineering Services for the 2018-2019 Year.

2017 Local Government Records Management Improvement Fund Grant (LGRMIF) – Grant Award: \$28,631.00 –

The Contractor, New York State Industries for the Disabled, Inc., has provided scanned copies of the Certificates of Occupancy and Demolition Permits. Building Permits are pending.

Village Banks

The Village Clerk-Treasurer recommended closing the inactive accounts at Sterling Bank that have become dormant. (Accounts were opened; however, no activity) **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

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

A MOTION was made by Trustee O'Blenis and seconded by Trustee DeGraw to adjourn the meeting at 8:56PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None