

VILLAGE OF HILLBURN  
Board of Trustees Meeting  
Tuesday, February 28, 2017– 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, February 28, 2017, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 7:00PM.

**PRESENT:** Craig M. Flanagan Jr., Mayor  
Bonnie R. O’Blenis, Trustee  
Eleanor J. DeGraw, Trustee  
Elizabeth K. Cassidy, Village Attorney  
Thomas M. Conklin, DPW Supt.

**RECORDER OF MINUTES:** Mary Boone, Clerk-Treasurer

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Meeting called to order by the Hon. Craig M. Flanagan, Jr., Mayor. ZBA Member Tim Williams led in the Salute to the Flag.

**O’Connor & Davies – Village Auditor –**

Mr. Alan Kassay addressed the Board, read and emphasized the Auditors’ opinion as stated on page 1 of Audit for y/e 5/31/16. -Review was made of the comparative Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual, for all funds. Mr. Kassay advised:

- Control of expenditures is needed in order to maintain a sound Fund Balance.
- The Fire Truck 2009 Serial Bond with 2024 maturity date, may be eligible for refinancing at a lower interest rate.
- The Village is in good fiscal condition; however there is a need to be conservative.

-Mayor Flanagan thanked Mr. Kassay for his presentation of the Audit Report for y/e 5/31/16.  
(Mr. Kassay left the meeting)

**Minutes of the 2/14/17 Meeting - Approved by Village Board.**

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

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

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

**-RC Health Department -2017 Mosquito Control (Veterans Memorial Park Pond): \$625.00** – A discussion was held on the possibility of the DPW administering the required mosquito treatment. Mayor Flanagan requested DPW Supt. Conklin to look into same. Matter was tabled.

**-RC Health Department – Bill for 2<sup>nd</sup> Half of 2016 Water Sampling: \$780.00 Approved by Village Board.**

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

**Police Commissioner’s Report** – Mayor Flanagan reported that, due to a Ramapo Police Officer not being aware of the newly adopted Seasonal Parking Law, overnight parking tickets had been issued when no snow was forecasted and are being dismissed.

-The Clerk-Treasurer reported a Captain of the Ramapo Police recently stopped by the Village Office confirmed the new Local Law pertaining to Seasonal Parking.

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

**2/17/17 8” Water Main Break – Old 4<sup>th</sup> Street Area – Repair of the break required the use of a clamp that was obtained from the Village of Suffern. A quote was obtained from Carmel Winwater Works Co. for the purchase of two clamps (one to be returned to the Village of Suffern and one for stock) at the total cost of \$580.00 (\$290.00 each). Approved by Village Board.**

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

**RE: Purchase of 24 Water Meters and Meter Reader – Order placed - awaiting receipt.**

**NYS Dept. of Labor – Cited Violations**

-A PESH Inspector visited the Terrace Avenue garage last week – RE: Insufficient eyewash system. Supt. Conklin is following up with obtaining a new, acceptable eyewash system.

-Other cited violations, including a list of chemicals, are being followed up on.

**-RC Hazard Mitigation Plan - FEMA Mitigation Strategy Workshop** – Supt. Conklin attended the 2/16/17 at the RC Fire Training Center.

**-Hillburn Clean-Up Day** – April 22, 2017 (Rain Date: 4/29/17). Supt. Conklin will obtain quote(s) for refreshments. Volunteers are needed.

**-Hudson Valley Water Works Conference – 2017 Membership Dues: \$30.00 Approved by Village Board.**

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

**NYS Department of Labor** – 10/17/16 Inspections of Village Buildings –

The Village Attorney has reviewed the correspondence from the NYS Dept. of Labor that included a Workplace Violence Prevention Program template. Packets have been compiled for the Village Board and matter will be discussed at a workshop meeting scheduled for Tuesday, 3/14/17 at 6:00PM. The DPW Supt. and HFD Chief are to be present.

**HFD Report – Chief Starr not present – No report.**

Mayor Flanagan reported Chief Starr's daughter had undergone surgery on 2/23/17 and is doing well.

**Village Engineer's Report – Engineer McCreedy not present.**

**SUEZ Water New York** – The Village Clerk-Treasurer reported in her 2/27/17 memo to the Village Board that the NYS Public Service Commission granted an increase in rates for water service effective 2/1/17. Therefore, effective 2/1/17, the rate charged to the Village of Hillburn increases from \$2,581.75 per MG to \$2,738.18 per MG, as reflected on the 2/16/17 bill.

**Community Development Program** – No report. No communication has been received from the RC CD Office.

**Village Attorney's Report – Attorney Elizabeth Cassidy reported:****Village of Hillburn v. Losner**

Attorney Cassidy reported she is in the process of preparing a Motion For Summary Judgment with Building/Fire Inspector Gordon, seeking an Order to have the building demolished.

**Verizon 10 Year Special Franchise Agreement – Expiration Date: Oct. 2017** – (Village Attorney addressing a new proposed franchise)

RE: Double Poles - Some poles had been taken down by Verizon and left on the side of the road. Mayor Flanagan requested DPW Supt. Conklin to collect and properly dispose of same.

**Tax Certioraris – (2014, 2015, 2016)** – No further information.

**Resolution to Introduce Local Law 1 of 2017, a Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C**

WHEREAS, the Village Board of Trustees wishes to have the ability to override the tax cap in order to meet the financial needs of the Village.

NOW THEREFORE BE IT RESOLVED, that an introductory Local Law entitled A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C is hereby introduced.

BE IT FURTHER RESOLVED that copies of the aforesaid introductory local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Village Board hereby declares lead agency and further declares that this action is a "Type II" action under the State Environmental Quality Review Act and no further environmental review is required.

BE IT FURTHER RESOLVED that a public hearing shall be held on March 14, 2017 at 7:30 P.M. or as soon thereafter as may be heard in the Mary M. Boone Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931.

BE IT FURTHER RESOLVED that the Village Clerk/Treasurer shall cause to be published public notice in the official newspaper as is required by law.

Motion by: Trustee Eleanor DeGraw

Second by: Trustee Bonnie O'Blenis

Ayes: Mayor Craig M. Flanagan, Jr.

Trustee Bonnie O'Blenis

Trustee Eleanor DeGraw

Noes: None

Absent: None

RESOLUTION was unanimously adopted.

**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 – Decision and Order of the Supreme Court of the State of New York dated November 29, 2016**

Attorney Cassidy she had no further information to report.

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

A Treasurer's Report at 2/28/17 was supplied to the Village Board.

RE: New HFD Chief's Vehicle – No update regarding delivery date.

RE: DPW Tractor – Purchase will be deferred until the 2017-18 budget year. (Mayor reported)

-Village Clerk-Treasurer Boone reminded the Village Board and Village Attorney of the need to comply with the requirements outlined in the 9/1/16 Bond Resolution.

**Insurance 2016-2017**

-NYS Municipal Worker's Compensation Alliance

-Safety Bulletin – RE: "Silica Dust Solutions". (email correspondence forwarded to Village Board, DPW Supt. & Building/Fire Inspector)

-Wright Risk Management – RE: Inspection of Municipal Buildings - 2017 Recommendations (copy supplied to Hillburn Court). The Village has 60 days to reply as to the status of the Recommendations.

**2016 Master Plan Committee**

Mayor Flanagan reported the next meeting of the Committee is scheduled for Saturday, 3/11/17.

-RE: Land Use Law Center – The Village Board is in the process of appointing of 3-5 residents to participant in the program, consisting of 4 sessions (April 7 & 21 and May 5 & 12),

**Zoning Board of Appeals** –

SUEZ Water New York – Project: Ramapo Well #97 GWUDISW Improvements – A Joint Public Hearing of the Zoning Board of Appeals and Planning Board was held as scheduled on Thursday, 2/16/17

-The ZBA Clerk advised that the Village Attorney’s associate, Attorney Jessica Mahoney, attended the Joint Public Hearing and directed the Attorney for SUEZ Water New York to prepare and supply a Resolution to be acted on by the ZBA and Planning Board. As of this date, the Resolution has not been received. Attorney Cassidy stated she will follow up on same.

**Planning Board** – Joint Public Hearing: 2/16/17 (reported under ZBA Report)

-Appointment of Planning Board Member – Mayor Flanagan stated that an appointment to fill the vacancy on the Planning Board will be made soon. Appointment of alternates for both the Planning Board and ZBA will be reviewed.

**Building/Fire Inspector’s Report** – Inspector Adam Gordon not present. (Copies of correspondence acknowledged)

Mayor Flanagan stated he had met with Inspector Gordon earlier.

**Escrow**

Status of Escrow Accounts Report @ 2/28/17 - The Village Board acknowledged receipt of the report as prepared and supplied by the Village Clerk-Treasurer.

Brooker Engineering - 02/16/17 Claim: \$830.50 - Orange & Rockland (7/03/16 Flood Development Permit App.) -

Escrow Balance: \$122.50 – As authorized at the 2/14/17 meeting, a letter was sent to O & R requesting additional escrow, in the amount of \$708.00, to cover the pending claim.

**Senior Citizens** – No report

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

-Everything is going well at the Youth Center.

-Annual Easter Egg Hunt – Saturday, 4/8/17 (Rain Date: 4/15/17) – Request for \$200.00 (candy, prizes and other supplies.

**Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

-Open Gym – Request for authorization to hold Open Gym on Friday, 3/3/17 from 6:00PM – 8:00PM (Grades 4 and up)

**Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

-2017 Summer Camp & Swim Program – Registration for residents will be held on Saturday, 3/4/17 from 10:00AM-12:00noon. At present, there are 10 children registered with the payment plan.

-Youth Center Calendar – There are two unscheduled half days of school that need to be added to the Youth Center Calendar: 3/17/17 and 3/21/17. Youth Center hours will be 12:00noon – 5:00PM. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Michelle A. Noel Memorial Scholarship – A “Devious Dirty Bingo” fundraiser will be held on Saturday, 5/6/17. Tickets are now available. (Fliers have been posted)

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

**2017 Tentative Assessment Roll** –

The Hearing of Complaints was held as scheduled on Tuesday, 2/21/17 from 5:00PM to 9:00PM. A total of (9) Complaints were filed.

-Village Attorney Cassidy had requested additional information from some of the Complainants.

**2017 Village Election – Tuesday, March 21, 2017**

A Sample Ballot was supplied to the Village Board and Candidates. (copy attached)

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to approve the Sample Ballot for the 2017 Village Election.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

**Public Comments** –

**Chevy Torres (53 5<sup>th</sup> Street)** questioned if children are welcome to attend the “Dirty Devious Bingo” at the Youth Center. Trustee DeGraw advised Ms. Torres to contact the Youth Center.

**Patricia Van Dunk (23 Mountain Avenue)** stated that trucks exiting from 230 Route 17 are making left hand turns, which is prohibited in accordance with the Planning Board approval.

-A discussion was held regarding the location for installation of a “No Left Hand Turns” sign(s). DPW Supt. Conklin was requested to contact the NYS DOT representative to determine regulations regarding same.

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

-Action Form – Complaint regarding leaves blowing on property from neighboring properties. A letter will be sent to the two specified property owners advising of the need to properly clear the leaves from their properties.

-NYCOM - 2017 Annual Membership – Fee: \$727.00.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve 2017 Membership with NYCOM.

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

-The NYACK NAACP – 58<sup>th</sup> Annual Membership Renewal and Recruitment Dinner: Thursday, 4/27/17. Two Hillburn Residents are being honored: Vivian DeGroat and Thomas Scott.

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw authorizing the Mayor and 2 Trustees to attend the dinner at the fee of \$85.00 each.

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

**Application for Use of Community Room** –

Patricia Van Dunk – Date: Thursday, 3/2/17 - Time: 10:00AM – 1:30PM Purpose: Repast – Grace Ann Mann (Certificate of Insurance has been supplied)

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the application and waive the fee for use of the building, as Grace Ann Mann was the widow of former HFD Chief and DPW Supt. Elmer Mann.

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

-Bonni O’Blenis - Date: Thursday, 3/4/17 Time: 1:00PM – 7:00PM – Purpose: 90<sup>th</sup> Birthday Party

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan to approve the application, subject to receipt of a Certificate of Insurance, and to waive the fee for use of the building.

Ayes: Mayor Flanagan & Trustee & DeGraw  
Noes: None  
Abstention: Trustee O’Blenis (Applicant)

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

**Schedule of Board Meetings: March 2017** - Two meetings will be held in March: March 14 & 28, 2017. **Approved by Village Board.**

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

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to adjourn the meeting at 8:04PM.

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