

VILLAGE OF HILLBURN  
Board of Trustees Meeting  
Tuesday, January 15, 2019 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, January 15, 2019, 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 (Deputy Mayor)  
Eleanor J. DeGraw, Trustee  
Richard Ellsworth, Village Attorney  
Eve Mancuso, Village Engineer  
Thomas M. Conklin, DPW Supt.

**ALSO**

**PRESENT:** Ben Gailey, Esq., Jacobowitz & Gubitz LLP (Special Counsel)

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

Meeting called to order by the Hon. Craig M. Flanagan, Mayor. HFD Member Tom Scott led in the Salute to the Flag.

**Minutes of the 12/04/18 Meeting – Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

**Request for Relief from Moratorium –**

**-Applicant: Noved Building Management (Property I.D.: 54.11-2-2, 3, 4, 5, 13, 14, 15, 16 and 17) - 11/27/18 Request for Waiver (Received 12/5/18 via email)**

Attorney Ben Gailey introduced himself and stated he is present this evening as Special Counsel to advise Deputy Mayor O’Blenis and Trustee DeGraw regarding the waiver filed by Noved Building Mgmt.

Both Mayor Flanagan and Attorney Ellsworth have recused themselves from acting on this application.

-Attorney Gailey noted that there were no representatives present on behalf of the applicant.

-Attorney Gailey stated that he has reviewed the application and has determined that it does not meet the standards for a waiver as set forth in the Village’s Local Law. He recommended that the Village Board either deny the request and Noved could reapply; or table the request with no action and Attorney Gailey will contact Noved’s Attorney in the morning.

-Matter was tabled by the Village Board.

Ayes: Deputy Mayor O’Blenis & Trustee DeGraw

Noes: None

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

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

**Water**

**Water Rates & Services – Appointment of a Planning Committee**

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw that a committee, comprised of the Clerk-Treasurer, Asst. Clerk-Treasurer, Village Engineer and DPW Superintendent, be appointed to review and propose increases for water rates and charges.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

**SUEZ Water Bill – (11/12/18-12/12/18): \$11,831.96 – The Village Board acknowledged receipt of a copy of the bill.**

**Police Commissioner’s Report – Deferred until arrival of Ramapo Police Officer.**

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

-Water Bills – P/E 1/31/19 - Water Readings are being obtained.

-Preparations are being made for the upcoming snow storm being predicted for later in the week and weekend.

-RE: Keep Rockland Beautiful – Hillburn Clean-Up Day was scheduled for Saturday, 3/30/19 (Rain Date: 4/6/19).

-RE: Lighting at Youth Center – Mayor Flanagan requested Supt. Conklin to obtain quotes on the installation of additional lighting in the parking lot area; and on replacing the lighting on the Youth Center with LED lights.

-Highway Superintendents’ Association of Rockland County – Membership Dues: \$25.00. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

**H.F.D. Report** – HFD Chief Shane Starr not present. No report submitted.

**Air Compressor** – An Air/Gas Quality Analysis Certificate, issued by Trace Analytics, LLC, was supplied to the HFD by Haight Fire Equipment.

**RE: LOSAP Program**

-The Data Request Package for 2018 has been supplied to HFD Chief Starr (to be completed prior to 3/31/19)

-Updated Village Officials information was supplied to Penflex, Inc., as requested.

-RBC Wealth Management – Account Statements for November & December 2018 have been received.

**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** – Total Upfront Cost: \$93,000 – Mayor Flanagan stated that a workshop will be scheduled to discuss feasible funding.

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

**MS-4 Mapping Grant** - The outfall data has been collected and recorded on the electronic tablet.

-The Clerk reported that an Expenditure and Reimbursement Report was filed with the RC Cooperative Extension in the amount of \$1,508.20, for fees paid by the Village for services applicable to the MS-4 Mapping Grant, representing the first claim to be credited towards the Village's share of the grant.

-Engineer Mancuso stated that additional grants may be available.

**Claims** –

**Approved by Village Board:**

-Inv. #153726 – Hillburn General Engineering	\$ 400.00
-Inv. #153727 – Hillburn Master Plan	\$ 880.00
-Inv. #153728 – Hillburn MS-4 Stormwater Mapping Grant	\$ 712.50

Ayes: Mayor Flanagan, Trustees O'Blenis & DeGraw

Noes: None

**Tabled by Village Board:** (No Application on file/No Escrow established)

-Inv. #153729 – Site Plan, Noved Building Management	\$ 960.00
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Ayes: Mayor Flanagan, Trustees O'Blenis & DeGraw

Noes: None

**Village Attorney's Report – Village Attorney Richard Ellsworth****-Request for Relief from Moratorium** – (Received 1/14/19)

-Applicant: Christopher Harris, Xenocron Tuning Solutions (Property I.D.: 47.14-1-7.-10 and 47.14-1-7.-100) - Request for Waiver in order to lease property. Attorney Ellsworth stated that the application was premature due to there is no prospective tenant/use. Notification will be sent by the Village Attorney.

**-Sexual Harassment Policy & Prevention Training Update**

Attorney Ellsworth stated the Village of Hillburn's existing Sexual Harassment Policy complies with the new regulations.

**-Application to RC Real Property Tax Director – Request for Refund of Erroneous Sewer District Charges Paid by Village of Hillburn (2016 Tax Bills)** – The Clerk-Treasurer reported that the written request was delivered to the RC Realty Property Tax Director on 12/19/18.

**-275 Route 17 – Property Owner: Khal Torah Chaim of Rockland**

Attorney Ellsworth reported on a letter he had received from Moshe Rosenfeld of Yeshiva Ahavath Israel on 12/14/18 requesting the Village of Hillburn conduct an inspection and issue a letter stating that the building meets the building and fire safety codes of a school.

-The Village Board concurred that, as confirmed by the Building/Fire Inspector, the building is not authorized for use as a school.

**-Concern Filed by Resident on 12/25/18 – RE: Need for Surveillance Camera at Post Office**

On 12/25/18 around 6:00AM an individual was observed hiding in the corner. Since the lobby of the Post Office is open 24/7, the installation of a surveillance camera is needed for safety purposes.

-Attorney Ellsworth stated that although the Village does not have the jurisdiction to require the installation of a surveillance camera, a letter will be sent to the Postmaster regarding this matter.

**-Pending Litigation – Village of Hillburn v. Losner** – Next Court Date: 12/12/18.

Attorney Ellsworth reported that in accordance with a stipulation entered at the last Court appearance, an exterior and interior inspection of the property is being coordinated with the Village Engineer, Architect Ariel Aufgang, Building/Fire Inspector and the property owner to determine if the dwelling is structurally safe for use/occupancy.

**NYSER Standard Workday Report and Resolution for Elected and Appointed Officials**

-Resolution Adopted 9/18/18 - The Clerk reported that NYSER has advised that the Record of Activities Results for Assoc. Village Justice Ernest Buonocore cannot be "0". Therefore, Assoc. Justice Buonocore must provide a three month calendar reflecting activities. Upon submittal, adoption of a new NYSER Standard Workday Resolution is required.

**Voucher Claims: Special Council – Jacobowitz and Gubitz, LLP:**

**Approved by Village Board:**

-Invoice #276512 dated 11/09/18 (Legal Services: 10/01/18 – 10/31/18)	\$ 3,543.20
-Invoice #277162 dated 12/17/18 (Legal Services: 11/09/18 – 11/30/18)	1,203.52

Ayes: Mayor Flanagan, Trustees O'Blenis & DeGraw

Noes: None

**Tabled by Village Board:** (No Application on file/No Escrow established)

-Inv. #277163 – Noved Building Management Land Use Application	\$ 231.00
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Ayes: Mayor Flanagan, Trustees O'Blenis & DeGraw

Noes: None

**Town of Ramapo – 2018 Fire Districts Agreements – Outstanding Balance due the Village of Hillburn**

On 12/7/18, the Town of Ramapo Director of Finance delivered a check in the amount of \$20,025.00, representing the balance due to the Village of Hillburn for 2018.

**Town of Ramapo – 2019 Agreements - Fire District #1 and Fire District #5**

Agreements provided by the Town of Ramapo: District #1 - \$100,500 (Same as 2018)

District #5 - \$ 44,000 (\$20,000 Decrease from 2018)

-Agreements were tabled by the Village Board. (Village Attorney to follow up)

Insurance2018 NYS Firefighter Cancer Benefit Program

Email correspondence dated 1/7/19 has been received verifying the Village of Hillburn's membership in the Program and providing a Schedule of Benefits.

-A discussion was held regarding physicals of HFD members.

2019 Assessment Roll – (A workshop of the Board of Assessors was held on 1/9/19)

Veterans Exemptions – A total of 6 Applications that are in effect were approved.

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

Real Property of Aged Persons Exemption –

A total of 8 Renewal Applications were received and approved.

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

Full Exemption – Church Properties –

A total of 10 Renewal Applications were received and approved.

Lighthouse Worship Center:	7 Applications	<b>Approved</b>
Brook Presbyterian Church:	2 Applications	<b>Approved</b>
St. James Mar Thoma Church:	1 Application	<b>Approved</b>

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

Full Exemption Applications –

A total of 2 Renewal Full Exemption Applications were received and approved:

Khal Torah Chaim of Rockland:	2 Applications	<b>Approved</b>
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Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien  
Noes: None

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

**BE IT ENACTED** that the Village Board of Assessors (Village Board) adopt the 2018 Town of Ramapo Assessment Roll for the 2019 Village of Hillburn Assessment Roll with the following changes, as set forth in the three (3) categories: (attachments)

Category I	- (Same as '18 Village Assessment)
Category II	- (Changes – New construction/demolition at 1/1/19)
Category III	- (Other Changes)

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

**BE IT ENACTED** that the 2019 Village Assessment Roll be prepared and be on file in the Office of the Clerk-Treasurer by January 31, 2019; and such roll is to be open for public inspection, during regular office hours, from February 1, 2019 until February 19, 2019 and on Tuesday, February 19, 2019 from 6:00 PM until 9:00 PM, the Village Board of Assessors (the Village Board) will be present for the Hearing of Complaints.

Ayes: **Craig M. Flanagan, Jr., Mayor**  
**Eleanor J. DeGraw, Trustee**  
**Bonnie R. O'Brien, Trustee**

Noes: None

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

The Village Board acknowledged receipt of a Financial Report as of 12/31/18, as prepared by the Asst. Village Clerk-Treasurer.

2019 Village Election – Tuesday, March 19, 2019

The following Resolution was offered by Trustee O'Brien and seconded by Trustee DeGraw, who moved its adoption:

**WHEREAS**, the next General Village Election for Officers will be held on Tuesday, March 19, 2019,

**BE IT RESOLVED** that the Election will be held at the Municipal Building, 31 Mountain Avenue, Hillburn, New York, between the hours of 12:00 noon and 9:00 PM.

Ayes: **Craig M. Flanagan, Jr., Mayor**  
**Eleanor J. DeGraw, Trustee**  
**Bonnie R. O'Brien, Trustee**

Noes: None

**RESOLUTION** was unanimously adopted.

2016 Master Plan Committee –

Committee Secretary, Parquiris DeLeon, reported no meeting has been scheduled at this date. (Last meeting held 12/15/18)

RC Community Development Program

-2019 CD Program –The RC CD Office scheduled the required Public Hearing January 24, 2019, 7:15PM.

-CDBG Program for Years 2018-2020 – First Amendment of Agreement - A fully executed Agreement was received.

**Zoning Board of Appeals** – No meeting has been scheduled.

**Planning Board** – Next meeting: 1/23/19

**Building/Fire Inspector's Report** – Misc. correspondence was acknowledged.

RE: NYSBOC – Rockland Spring Seminar – April 9 – 11, 2019 – Registration Fee: \$275.00. Building/Fire Inspector Gordon requested authorization to attend. **Approved by Village Board.**

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

**Escrow** - Status of Escrow Accounts Report @ 11/30/18 was supplied.

-1/2/19 Inv. #400.1-10 filed by Spence Engineering – (RE: SUEZ Water New York - 8/16/18 Building Permit #082218): \$552.00. **Approved by Village Board**

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

**Senior Citizens** –

-Trustee DeGraw reported she had attended the Hillburn Seniors' Annual Holiday Party on 12/6/18.

-Senior Citizen President Diana DeGroat has supplied a schedule of 2019 meeting dates.

**Recreation** – A written Report was read by Trustee O'Brien:

-**Annual Christmas Party – 12/15/18** – The party was a great success. Thanks were extended to Rick Hirschner (Santa), Mr. & Mrs. Ken Conklin and the US Marine Corps. Toys for Tots; and all volunteers.

**2018-19 After School Program** -

-The Youth Center will be open on February 8<sup>th</sup> & 12<sup>th</sup>, from 11:30AM – 5:30PM (1/2 Day of School - Parent/Teacher Conferences).

-The Youth Center will be closed during Presidents' week: 2/18-22/19.

**2019 Summer Camp Program** –

-Registration for Pre-Payment Plan (Residents Only) Fee: \$450.00 – Scheduled for Friday, February 8, 2019, from 6:00PM to 8:00PM. Immunization Records are required at the time of registration.

-Swim Program – The Town of Ramapo has increased the cost from \$75.00 to \$80.00 per registrant.

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw that the Village's share of the 2019 Swim Program registration fee will remain at \$15.00 per registered Village resident.

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

-Michelle A. Noel Scholarship – Two Applicants are being considered. Parents will be notified.

**Time Capsule** – Mayor Flanagan requested DPW Supt. Conklin to install a shelf in the Meeting Room to place the Time Capsule, that includes pictures, family information etc., to be opened in the year 2043.

**Hillburn Sewer Committee**

Trustee DeGraw reported that one new application has been received and will be processed.

RE: **Terrace Avenue DPW Garage Sewer Connection** – Supt. Conklin reported he has been in contact with the Village of Suffern regarding using their camera to locate the septic tank on the side of the building.

**Public Comments** –

**Chevron Torres (54 Fifth St.)** questioned the "For Rent" sign at 27 Mountain Avenue that has been vacant. (Matter will be referred to Building/Fire Inspector)

-**Mrs. Torres** stated her concern regarding cars being parked along Route 17, in front of 260 Route 17. (Mayor Flanagan stated the NYS DOT was notified and had advised the property owner that cars are not to be parked along Route 17. Matter will be followed up with the NYS DOT)

**Thomas Scott (66 Sixth St.)** – Request for Relief from Moratorium – (Previously submitted 7/12/18/Rejected on 7/17/18) - (Property I.D.: 47.18-3-56 - 194 Route 17) – Purpose: Apply for Permit(s) to construct a single family dwelling

8:20PM

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 to discuss potential litigation.

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

8:25PM

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

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien that the request for a waiver from the moratorium filed by Thomas Scott be granted to allow him to apply for a permit(s) to construct a single family dwelling – Reason: Credible dollars and cents proof of the harm to applicant if the waiver is not granted was demonstrated; and

FURTHER, the granting of the waiver does not obviate the property owner from obtaining all necessary permits and approvals for the underlying application.

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

Attorney Ellsworth was excused from meeting.

**Audit – FYE 5/31/18 - Claim filed by Village Auditor, Berard & Associates CPA's P.C.**

Authorization for payment of Invoice #34559 - Professional Services Rendered: \$23,115.00

**Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

**2019 Town & County Tax Bills – Village Owned Properties (Sewer & Solid Waste Taxes)**

Authorization for payment of a total of 23 Tax Bills totaling \$7,458.57.

**Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

**General Code – eCode 360 Annual Maintenance**

Authorization for payment of Invoice #GC00106079: \$1,195.00

**Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

**Appointment of Registrars of Vital Statistics**

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to re-appoint Robin G. Miele as Registrar and Yvonne Van Dunk as Deputy Registrar for the Village of Hillburn for the two year term effective April 1, 2019 and expiring on March 31, 2021.

Ayes: Mayor Flanagan & Trustees O'Brien & DeGraw

Noes: None

**Requests for Use of Community Room**

-Shane Starr – Sat., 1/12/19 – 4:00PM – 11:00PM – HFD Taco Night (**Ratified by Village Board**)

-Eleanor DeGraw – Wed., 1/16/19 – 6:00PM – 10:00PM – RC Ladies Aux Meeting (**Approved by Village Board**)

-Eleanor DeGraw – Sat., 2/8/19 from 8:30AM to 4:00PM – Defensive Driving Course. (Village Event - Fee waived - Insurance to be provided) (**Approved by Village Board**)

-Eleanor DeGraw – Thurs, 1/3, 2/7, 3/7, 4/4, 5/2, 6/6, 7/11, 8/1, 9/5, 10/3, 11/17, 12/5/19 – Ladies Aux. Mtgs - (**Approved by Village Board**)

-Shane Starr – Saturday, 2/9/19 – 4:00PM – 11:00PM – HFD Wing Night (**Approved by Village Board**)

Ayes: Mayor Flanagan & Trustees O'Brien & DeGraw

Noes: None

**Request for Use of Youth Center**

Kevin Clark – ACW/TV Team – Sat., 1/5/19 – 5:30PM – Pro Wrestling Show Taping (Fee of \$75.00 and Insurance was provided) (**Ratified by Village Board**)

Ayes: Mayor Flanagan & Trustees O'Brien & DeGraw

Noes: None

**Complaints**

12/21/18 Action Form Filed by Kevin Yeffeth/Julia Muloz:

Construction from ConServe diverted all water to houses at 54 Fourth Street and 49 Mountain Avenue; also dumping of car batteries and garbage. Village Board Action: Referred matter to Building/Fire Inspector

12/21/18 Action Form Filed by J. Quereau:

Noise from ongoing construction; construction material behind 55 Mountain Avenue. Village Board Action: Referred matter to Building/Fire Inspector.

1/8/19 Concern by Pat Van Dunk of 70 Fifth Street:

Parking on both sides of Fifth Street blocks egress/access. Village Board Action: Temporary "No Parking Signs" will be placed in area during events at Youth Center.

RE: Complaint Filed by DPW Supt. - Bushes on Property of 160 Sixth Street Blocking Sight Distance – A letter was sent to the property owner, Anne McCormick on 12/11/18. (Supt. Conklin reported the DPW had trimmed the bushes – matter is resolved)

**Cablevision Franchise Fee Audit** – A 12/28/18 letter was sent by Mayor Flanagan to Altice USA regarding the "Report on Review of Franchise Fees Paid by Cablevision to the Village of Hillburn" submitted by Municipal Audit Services, LLC ("MUNI") claiming an amount due to the Village of \$880.00.

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

-Regina Scott – Thank you note to Village for its tribute to former Trustee Thomas Scott upon his passing (read aloud).

-Town of Ramapo Attorney – RE: Proposed Local Law #10-2004 (Zoning) - Notice of 1/23/19 Public Hearing; and subsequent Notice rescheduling of Public Hearing from 1/23/19 to 1/30/19 at 6:00PM.

-Laberge Group – 2019 Grants Survey (Supplied to Mayor & DPW Supt.)

-Altice USA – Programming Launches, Eliminations, and Rate Changes effective 2/1/19.

-Assemblywoman Ellen Jaffee – Invitation to Swearing In Ceremony – 1/27/19.

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

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to adjourn the meeting at 8:45PM.

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None