

VILLAGE OF HILLBURN  
Board of Trustees Meeting  
Tuesday, January 29, 2019 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, January 29, 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.

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

Meeting called to order by the Hon. Craig M. Flanagan, Mayor. Hillburn Planning Board member Rhonda Jennings led in the Salute to the Flag.

**Minutes of the 1/15/19 Meeting – Approved by Village Board.**

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 –**

Mayor Flanagan reported the Village has been quiet and deferred the report until arrival of Ramapo Police Officer.

**Water** - A Workshop meeting of the Water Planning Committee (RE: Rates & Service Charges) will be scheduled.

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

-Water Readings – P/E 1/31/19 - Water Readings are complete and submitted to Village Office.

-1/28/19 Quote from Core & Main: (18) Water Meters and Accessories: \$2,890.52. **Approved by Village Board.**

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

-Dig Safely, Inc. – 2019 Excavator Safety Seminar – 3/20/19 – St. Lawrence Center, Hillburn, NY (No Cost) – Request for authorization for 3 DPW employees to attend. **Approved by Village Board.**

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

-Keep Rockland Beautiful – Request for sponsorship. Tabled.

-Report of raised pavement in area of 161 Route 17 – Supt. Conklin reported he had taken pictures and will report matter to the NYS DOT.

-Lighting at Youth Center – As requested at the 1/15/19 meeting, quotes are being obtained to install additional lighting in the parking lot area; and on replacing the lighting on the Youth Center with LED lights.

-Paving of Streets – Information will be obtained prior to spring.

-Street Salt – Salt will be needed soon.

**H.F.D. Report** – HFD Chief Shane Starr reported:

-Lights in back of Firehouse Building – Not working. (DPW Supt. will check sensors)

-New Member – Ernesto Hernandez Rivera (20 Boulder Avenue) – Request for authorization for required physical. **Approved by Village Board.**

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

-Chief Starr stated the Village of Sloatsburg has a doctor come to their firehouse and perform physicals that are more thorough and less expensive than Mahwah Medical. Village Attorney to review matter.

**Invoice #1232-1 – Minerva Cleaners: \$222.25 - RE: Cleaning of Bunker Coat** **Approved by Village Board.**

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

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to suspend the regular meeting, to hold the scheduled Public Hearing.

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

**7:15PM – Public Hearing – 2019 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.

Trustee O’Blenis reported that, based on the information obtained at the 11/28/18 meeting of the RC Consortium, the Village of Hillburn does not meet the required criteria for funding eligibility.

-Mayor Flanagan stated that based on the Village’s ineligibility to receive funding, no Citizens Advisory Committee had been established and no projects had been considered.

Hearing was opened for Public Comment. No comments were made by the Public.

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

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Blenis to reopen the regular meeting of the Village Board.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

**IT WAS RESOLVED** by the Village Board of Trustees that due to the Village of Hillburn does not meet the criteria to qualify for 2019 Community Development Block Grant Funds, no application will be filed with the RC Office of Community Development

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

Bonnie O'Blenis, Trustee

Eleanor J. DeGraw, Trustee

**Noes:** None

**RESOLUTION** was unanimously adopted.

### **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. – 9/29/17 Approved upgrade still pending.

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

-Attorney Ellsworth stated that the Village Board had approved the proposal, subject to determination of financing.

Mayor Flanagan scheduled a workshop meeting for Monday, 2/4/19 at 3:00PM to discuss financing and Sandy Stead of RealTerm Energy be requested to attend.

**Village Engineer's Report - Engineer Eve Mancuso** stated she has no report.

**Claims –**

**Approved by Village Board:**

-Inv. #153963 – Hillburn General Engineering	\$ 240.00
-Inv. #153964 – Hillburn Master Plan	\$ 400.00
-Inv. #153965 – Hillburn MS-4 Stormwater Mapping Grant	\$2,319.00

Ayes: Mayor Flanagan, Trustees O'Blenis & DeGraw

Noes: None

**-Proposal for Engineering Services (June 1, 2019 – May 31, 2020)** – Tabled by Village Board until Annual Reorganizational Meeting.

### **Village Attorney's Report – Village Attorney Richard Ellsworth**

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

-Attorney Ellsworth stated that he had sent a letter requesting the Postmaster attend a Village Board meeting to discuss this matter.

-Mayor Flanagan reported he had requested the Ramapo Police to check the Post Office lobby during their patrols.

### **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)

-Attorney Ellsworth advised the Village Board not to sign the Agreements until the additional \$20,000 is included, as verbally agreed to by Ramapo Supervisor Specht.

### **Insurance**

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

-RE: Physical Exam Requirement - Attorney Ellsworth confirmed that a firefighter must successfully have passed a physical (no evidence of cancer detected) on entry to the fire department.

### **Village Property**

Attorney Ellsworth stated that pursuant to Mayor Flanagan's inquiry, he had reviewed the Town/Village Law requirements for selling Village owned property. The property would first have to be declared as surplus and then would have to be first offered to the contiguous neighbors.

-Mayor Flanagan questioned if it could be donated. Attorney Ellsworth will review.

### **-Pending Litigation – Village of Hillburn v. Losner –**

Attorney Ellsworth reported an exterior and interior inspection of the property is needed prior to the 2/25/19 Court Date and 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.

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

RE: Letter 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.

-Attorney Ellsworth reported he had spoken with Attorney Licata that the files can be reviewed; however, the Village of Hillburn will not issue the requested letter.

**Voucher Claims: Special Council – Jacobowitz and Gubits, LLP:****Claim Dated - 1/17/19**

Inv. #277683 - Services Rendered (11/19/18 – 12/31/18) \$2,471.77 – Tabled by Village Board  
Reason: Clarification needed to determine if any services rendered were regarding Noved Bldg. Mgmt Land Use Application – No Application fee/No Escrow established

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

**Pending Claim – Dated 12/17/18**

Inv. #277163– Noved Bldg Mgmt Land Use Application: \$ 231.00 (Tabled 1/15/19)  
Reason: No Application fee/No Escrow established

**Town of Ramapo – 2019 Dog Control Services Agreement**

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to enter into the 2019 Agreement with the Town of Ramapo for Dog Control Services; with the addition of a Rider stating stipulations, including that fees are not to exceed the Village’s budgeted amount of \$2,000.00; and to authorize Mayor Flanagan to sign Agreement.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis  
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, Village Special Counsel was not present. No additional information has been received from applicant.

-Matter remains tabled by the Village Board.

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

The Village Board acknowledged receipt of a Financial Report as of 1/29/19, as prepared by the Asst. Village Clerk-Treasurer.

-RE: Comprehensive Plan -Claim filed by Nelson Pope & Vorhees (Period: 12/11/18 – 12/15/18): \$606.54. **Approved by Village Board**

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

**2019 Assessment Roll**

The Hearing of Complaints will be held on Tuesday, 2/19/19.

**Real Property of Aged Persons Exemption –**

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve two (2) renewal Applications that were received after the deadline date, based on justifiable explanations submitted by the applicants.

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

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis that no additional applications for 2019 exemptions be accepted.

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

**Verification of Tentative Assessment Roll**

The Village Board was in receipt of a Summary of Tentative Assessment at 1/29/19.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the 2019 Tentative Assessment Roll and to duly sign the Verification of Tentative Assessment

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

**2019 Village Election – Tuesday, March 19, 2019****-Appointment of Inspectors of Election –**

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to appoint the following Inspectors for the 2019 Village Election:: Helen Peterson, Vivian DeGroat, Dennis Anderson and Susan Anderson.

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

**2016 Master Plan Committee –**

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

**Zoning Board of Appeals** – Next Meeting: 2/25/19.

**Planning Board** – Next meeting: 2/27/19

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

**Escrow** - Status of Escrow Accounts Report @ 1/29/19 was supplied.

-Recommendations from Hillburn Planning Board to close out (6) escrow accounts and refund balances to applicants.

**Approved by Village Board**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

**Senior Citizens** – No report.

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

**2018-19 After School Program** -

-Due to a change in the Suffern School District’s schedule, school will be open on Friday, 2/22/19. Therefore, the Youth Center will also be open.

**2019 Summer Camp Program** –

-Request for approval of a trip to Splash Down Beach: \$27.00 per registrant. Tabled by Village Board.

-Registration for Pre-Payment Plan (Residents Only) Fee: \$450.00 – Scheduled for Friday, February 8, 2019, from 6:00PM to 8:00PM.

**Hillburn Sewer Committee**

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

**Public Comments** –

**Vulfrano Lazcares (39A Seventh St.)** questioned why the Village DPW no longer plows the private portion of Seventh St. after doing so for 10 years, and cited legal information he had received. Mr. Lazcares also questioned the status of a Petition filed by the respective property owners to dedicate the private portion of Seventh St. to the Village.

**RE: Plowing -**

-Attorney Ellsworth stated that plowing of private property is a liability for the Village.

DPW Supt. Conklin stated that the DPW has not been plowing the road for a period of 10 years. Further, the new pavement installed by Mr. Lazcares has created a lip in the roadway, thus preventing the plowing without tearing up the pavement.

**RE: Petition to Dedication Privately Owned Portion of Seventh St.**

-Attorney Ellsworth explained the process. The Village does not have to accept the roadway. A survey would be required and, if necessary in order to comply with standard road requirements, the road may need to be widened which may require property to be taken. Matter will be reviewed.

**Ashleigh Jennings (54 Fifth St.)** stated she had gone to the Post Office at approx.. 10:00PM and had encountered an individual standing in a dark corner of the lobby. She brought the incident to the attention of the Postmaster, who stated she had contacted her superiors regarding matter.

**-HFD Chief Shane Starr (62 Fifth St.)** stated his wife had also encountered an individual in the lobby.

-Mayor Flanagan stated matter is being addressed.

Public Comment period was closed.

**Cablevision Franchise Fee Audit** – John Dullaghan of Altice USA (formerly Cablevision) has requested to meet with Mayor Flanagan regarding the 12/28/18 letter 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. Joseph Messina of MUNI has also requested a conference call be scheduled to discuss the matter. Mutually convenient dates/times for both meetings are being arranged.

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

-NYCOM – Request for letters to be sent to state legislators stating the Village’s opposition to the Governor’s proposal in the 2019-20 Executive Budget that would eliminate AIM funding for villages and towns whose AIM amount is less than 2% of their 2017 all funds expenditures (sample letter provided). The Village Board approved the letter be sent to Senator Carlucci and Assemblywoman Jaffee.

-Suffern United Methodist Church – Invitation to showing of the documentary film “2 Schools in Hillburn” on 2/10/19 at 3:00PM.

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

**Scheduling of February 2019 Meetings**

It was determined by the Village Board that one meeting be held in February: 2/12/19.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to adjourn the meeting at 8:22PM.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None