

**VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, January 12, 2016 – 7:00PM**

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, January 12, 2016, 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, Trustee
Bonnie R. O’Blenis, Trustee
Thomas M. Conklin, DPW Supt.
Elizabeth K. Cassidy, Village Attorney

RECORDER OF MINUTES: Mary Boone, Clerk-Treasurer

Meeting was called to order by the Hon. Mayor Craig M. Flanagan, Jr. Suffern High School student, Joe DeMarco, led in the Salute to the Flag.

Minutes of 12/15/15 Meeting - Approved by Village Board.

Ayes: Mayor Flanagan, Trustees DeGraw and 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

Mayor Flanagan reported he had spoken with a Ramapo Police Officer regarding motorists speeding on 4th Street, in the area of Rockland Avenue and Lake Avenue, and requested extra patrol. Patrol is ongoing and warnings have been issued.

DPW Report – DPW Supt. Thomas Conklin reported:

Village Hall – Emergency Replacement of Hillburn Municipal Building Meeting Room Exit Door

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to accept the 1/8/16 Proposal from Add-Ventures, in the amount of \$1,244.00, for the emergency replacement of the exit door in the Municipal Meeting Room of Village Hall.

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

Water Leak Detection – NY Leak Detection will be in the Village on Thursday, 1/15/16 to continue investigating a potential leak in the area of the Hillburn Industrial Park. Village Engineer McCreedy will be notified to be present.

Vandalism to 6th Street Gate – The lock has been cut. A report has been filed with the Ramapo Police Department.

-The Village Board discussed precautionary steps that could be taken – including a stronger lock, a different design of the lock, increased police patrols, etc.

Damage to Railing – East Hillburn – The damage, caused by a large truck illegally travelling on Park Avenue, has been repaired. Mayor Flanagan stated he had obtained the License Plate of the respective truck, and the repair cost is to be billed to the respective business. A Police Report is forthcoming, and the Village’s Insurance Company will be contacted.

Salt for Sidewalk Spreader – (2) Quotes were received for a 50lb supply:

Shemins: \$281.75
Fastenal \$430.61

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the quote from Shemins, in the amount of \$281.75.

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

2016 Hillburn Clean-Up Day – Tentative Date: 4/2/16 (Rain Date: 4/9/16)–Supt. Conklin will contact Keep Rockland Beautiful.

Highway Superintendents Association of Rockland County – Annual Membership Dues: \$25.00.

Approved by Village Board.

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

Salt Shed – Mayor Flanagan reported a salt shed has been erected on the property of Salomone Bros. on Torne Valley Road and will replace the Village’s existing salt shed on 5th Street. This new location will prevent disturbance to Village residents during snow storms.

-Attorney Cassidy stated an Agreement between the Village of Hillburn and the property owner, Salomone Bros., is required.

Purchase of Cold Weather Gear for DPW Employee – Not to exceed \$250.00. **Approved by Village Board.**

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

Water System – Supt. Conklin reported the United Water New York contacted the Village and advised that its meter was not registering water usage. The meter was changed by United Water on 1/7/16. Proper notification was given to residents of a potential interruption; however, no interruption of water service occurred.

Mayor Flanagan reported a meeting will be held on 1/14/16 with a representative from United Water regarding placement of a remote meter reader in the DPW Supt’s office.

-NYS DOT Shared Services – Supt. Conklin reported he and Mayor Flanagan had attended a meeting regarding this program that includes services only – no money is exchanged. Agreement was tabled.

HFD Report – Chief Kelly not present. Written report was read by Mayor Flanagan.

Penflex, Inc. – Service Award Program – 2015 Data Request Package – As per regulations of the program, points have posted and will remain for 30 days.

-New Member – The H.F.D. approved Susan Starr as a senior H.F.D. member.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the H.F.D.’s approval of Susan Starr as a senior H.F.D. member to be placed on the Village’s insurance.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Request for Use of Community Room – 2/27/16 – 6:00PM – H.F.D. Fund Raiser. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

RBC Wealth Management – RE: LOSAP Account – Mayor Flanagan stated the Village will remain with RBC Wealth Management for a little while longer.

Village Engineer’s Report – Engineer McCreedy not present – No report.

Community Development –

2016 CD Program – The RC Community Development Office has scheduled a Public Hearing on the 2016 Program for Tuesday, January 26, 2016 at 7:15PM.

-2016 Citizens Advisory Committee – Two meetings have been held and minutes have been provided.

-Annual CD Program Block Grant Meeting for Mayors – 1/14/16 in Pomona, NY. Deputy Mayor DeGraw will attend.

2015 CD Program – Project: “After School Program 2015-2016” - The Village Clerk-Treasurer reported she has been corresponding via email with Jessica Sampson of the RC CD Office regarding payment of the first claim, in the amount of \$11,227.62. (copies of correspondence supplied to Village Board and Village Attorney)

Village Attorney’s Report – Attorney Cassidy reported:

RE: Master Plan – A Draft RFP (Request for Proposal) was prepared by the Village Attorney for the purpose of soliciting consultants to develop a Comprehensive Plan, EAF Documents and Zoning Code. Attorney Cassidy stated it is more efficient to update the Comprehensive Plan and the Zoning Code simultaneously.

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

WHEREAS, the Village of Hillburn Zoning Code is out of date and does not reflect the current land use environment;

WHEREAS, a master plan was drafted, but never adopted;

WHEREAS, the Village Board of Trustees desires to hire a consultant to evaluate Hillburn’s land use needs and desires, to formulate a comprehensive plan, to draft a revised zoning code to implement the comprehensive plan and to prepare the necessary documents including an Environmental Impact Statement under the State Environmental Quality Review Act (SEQR);

WHEREAS, the Village Attorney has drafted a Request for Proposals attached hereto.

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Hillburn declares that issuing an RFP is a type II action under SEQR and no further environmental review is required in connection with issuing the RFP. The comprehensive plan and draft zoning law, once developed will undergo an independent environmental review as required by SEQR;

BE IT FURTHER RESOLVED that the Village Board of Trustees authorizes the issuance of the RFP;

BE IT FURTHER RESOLVED that any proposals are due on or before February 23, 2016 at 4:00 P.M.;

BE IT FURTHER RESOLVED that the Village Clerk Treasurer shall cause notice of the RFP to be published in the Journal News.

AYES: Craig M. Flanagan, Jr., Mayor
Eleanor J. DeGraw, Trustee
Bonnie R. O’Blenis, Trustee

NOES: None

ABSTENTIONS: None

RESOLUTION was unanimously adopted

Insurance**Correspondence**

-Marshall & Sterling – offer of customized program for municipalities.

-Selective Ins. – Notice of Non-Renewal, Reason: Current Agent (Warwick Assoc.) no longer an agent for Selective.

Attorney Cassidy advised the Village Board of options: the Village can continue to solicit proposals from insurance companies; retain an agent to solicit insurance proposals; or retain a current agent of Selective Insur. and transfer policies. It was the consensus of the Village Board to hire Seely & Durland, Inc., 13 Oakland Avenue, Warwick, NY 10990, a current agent of Selective Insurance, as recommended by Attorney Cassidy.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Superior Waste v. Village of Hillburn – Attorney Cassidy reported the Court has denied the most recent petition filed by Superior Waste.

Pilgrim Pipeline Project – Correspondence received advising the NYS DEC and the NYS Thruway Authority will act as Co-Lead Agency for the SEQR process.

2016 Dog Control Contract –

The following RESOLUTION was offered by Trustee Eleanor DeGraw and moved for adoption by Trustee Bonnie O’Blenis:

WHEREAS, the 2016 Agreement, reflecting a rate of \$45.00 per hour, has been reviewed by the Village Attorney who recommends approval of same, with the additional stipulation of “*not to exceed \$2,500 per Village of Hillburn budget”.

THEREFORE, BE IT RESOLVED, that the 2016 Agreement between the Village of Hillburn and the Town of Ramapo for Dog Control Services is hereby approved and

BE IT FURTHER RESOLVED that the Mayor, Craig M. Flanagan Jr., is hereby authorized to sign same.

Ayes: Craig M. Flanagan Jr., Mayor
Eleanor J. DeGraw, Trustee
Bonnie O’Blenis, Trustee

Noes: None

2016 Agreement with Town of Ramapo - Ramapo Fire Protection Districts No. 1 and 5

The Agreement proposes a fee of \$144,525 which reflects the expansion of Fire District #1 and the addition of Fire District #5. A discussion was held on the location of the new coverage areas that appears to consist of vacant land (tax lot numbers will be provided and classification will be confirmed). Attorney Cassidy stated a breakdown of the two districts should also be provided and recommended the Village do a full cost benefit analysis.

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to enter into the 2016 Agreement with the Town of Ramapo for Ramapo Fire Protection Districts No. 1 and 5, and

FURTHER, Mayor Flanagan was authorized to sign the Agreement.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

2015 Tax Certioraris – Attorney Cassidy requested an Executive Session later in meeting to discuss pending matters.

General Code – A quote for updates to the Village Code will be obtained.

State and Municipal Program Grant – HAC for Hillburn Youth Center – Senator Carlucci’s office has advised the grant should be available in the spring.

Zoning Board of Appeals –

-RE: Appeal filed by Kristian Matthews/Stoneworks Estates - A Public Hearing date is tentatively scheduled for 1/28/16. Hearing will be held in the Community Room.

-ZBA Member Nelson Hadley received a Certificate from NYCOM for participating in 5 Webinars to fulfill the annual training requirements.

Planning Board – The next meeting is scheduled for 1/21/16.

Building/Fire Inspector’s Report – Inspector Adam Gordon not present:

-RE: United Water New York – Building Permit #040215 - Return of Bond. As recommended by the Village Attorney;

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis that, in accordance with receipt of written certification from Martin Spence Engineering and the Building/Fire Inspector of satisfactory completion of the project performed under Building Permit #040215, the release of the Surety Bond posted by United Water New York is hereby authorized.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Escrow Accounts

Status of Escrow Accounts Report @ 12/31/15 - Supplied to the Village Board by the Clerk-Treasurer.

Claims Against Escrow – Stoneworks Estates – ZBA Appeal

-Elizabeth K. Cassidy, PLLC – 1/7/16 correspondence was received from Attorney Cassidy withdrawing the 11/6/15 claim and filing a new claim dated 1/7/16 covering 10/2015 thru 1/7/16.

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to approve the withdrawal of the 11/6/15 claim and authorizing payment of the 1/7/16 claim, in the amount of \$1,335.00, against the Stoneworks Estates Escrow, subject to approval by the Zoning Board of Appeals.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-Brooker Engineering, PLLC – 12/14/15 and 1/11/16 Claims

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw authorizing payment of the 12/14/15 claim in the amount of \$216 and the 1/11/16 Claim in the amount of \$144.00, against the Stoneworks Estates Escrow, subject to approval by the Zoning Board of Appeals.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Refund of Escrow - United Water New York

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw that the following escrow account be closed out; pursuant to satisfactory completion of Building Permit #040215:

Escrow Established 10/30/14 (Floodplain Dev. Permit) & 4/01/15 (Bldg Permit Reviews/Prep)

United Water New York Escrow Balance of Escrow @ 1/12/16: \$23.34.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

2016 Village Election – March 15, 2016 –

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

WHEREAS, the next General Village Election for Officers will be held on Tuesday, March 15, 2016,

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’Blenis, Trustee
Noes: None**

RESOLUTION was unanimously adopted.

Senior Citizens – Vice-President-Elect Diana DeGroat reported:

Mayor Flanagan was present at the 1/4/16 meeting and installed the newly Elected Hillburn Senior Citizens Officers.

Recreation – Trustee O’Blenis read the written Report.

-12/19/15 Christmas Party – Party was a great success. A \$50.00 to Jeremy Honey for his Santa Claus service was requested. **Approved by Village Board.**

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

-The Youth Center will be closed on January 18th in recognition of Martin Luther King Jr. Day.

-Request for Open Gym – 1/22/16 from 6:00PM-8:00PM – Grades 2-8. Angie Flanagan and Marty Perrano will volunteer their time. (Flyer will be provided) **Approved by Village Board.**

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

-2016 Summer Camp Program – Registration for the Payment Plan Option will be held at the Youth Center on January 25th at 6:00PM. **Approved by Village Board.**

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

-RE: Youth Center - RC Health Department Permit - 2 Year Renewal Fee \$250.00. **Approved by Village Board.**

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

2016 Assessment Roll – Workshop Meetings were held by the Board of Assessors on 12/16/15 and 1/05/16.

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

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

Real Property of Aged Persons Exemption – A total of 10 Renewal Applications were received and approved.

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

Full Exemption – Church Properties – A total of 10 Renewal Applications were received and approved.

Lighthouse Worship Center: 7 Applications **Approved**
Brook Presbyterian Church: 2 Applications **Approved**
St. James Mar Thoma Church: 1 Application **Approved**

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

New Full Exemption Application – 2 New Full Exemption Applications have been filed by A.F.K.O.S.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to deny the two applications for exemption filed by A.F.K.O.S.

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

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

BE IT ENACTED that the Village Board of Assessors (Village Board) adopt the 2015 Town of Ramapo Assessment Roll for the 2016 Village of Hillburn Assessment Roll with the following changes, as set forth in the three (3) categories: (attachments)

Category I - (Same as '15 Village Assessment)
Category II - (Changes – New construction/demolition at 1/1/16)
Category III - (Other Changes)

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis
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 2016 Village Assessment Roll be prepared and be on file in the Office of the Clerk-Treasurer by January 31, 2016; and such roll is to be open for public inspection, during regular office hours, from February 1, 2016 until February 16, 2016 and on Tuesday, February 16, 2016 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: Mayor Flanagan, Trustees DeGraw & O'Brien
Noes: None

Hillburn Sewer Rebate Committee - Trustee DeGraw reported Sewer rebate applications are still being accepted.

-\$12,000 in rebates were processed on 12/18/15.

-Voucher Submitted by Yvonne Van Dunk, Sewer Rebate Committee Treasurer – Approved.

Public Comments –

Walter Johnston (27 Hickory Ave) requested clarification of the following:

-Comprehensive Plan is the same as the Master Plan. Attorney Cassidy stated they are the same.

-Timeline for completion. Attorney Cassidy replied approximately one year from acceptance of proposal.

-Definition of an RFP – Attorney Cassidy replied RFP stands for Request for Proposal.

-Need for both a Zoning Code Update and Master Plan Update – Attorney Cassidy stated it is important to have the Zoning Code be consistent with the Master Plan.

-Who will update Zoning Code – Attorney Cassidy stated the RFP will include both the Master Plan and Zoning Code.

-**Tim Williams (31 6th Street)** questioned why the Draft Comprehensive Plan was never adopted.

-Mayor Flanagan stated he is not sure of why it was not formally adopted; however, it contains valuable information that will be used in the updated Master Plan.

Mr. Johnston questioned the effect of the Draft Comprehensive Plan if it was never adopted. Attorney Cassidy stated it is not enforceable until adopted.

Chevy Torres (54 5th St) questioned if the 1/28/16 date for the ZBA Public Hearing can be changed since it is tentative.

-The Village Clerk advised that the meeting date, when confirmed, will be posted and published.

Ms. Torres questioned what measures will be installed to secure the new salt shed on Torne Valley Road.

-Mayor Flanagan replied a cable will be installed and signs will be posted.

Ms. Torres questioned the need to purchase bags of salt.

-DPW Supt. Conklin replied the salt is for sidewalks.

Correspondence included:

-K. Ingham – Written complaint - RE: ConServ. (Village Attorney and Building/Fire Inspector following up on same).

-Robert Van Dunk, Sr. – RE: Plowing of the privately owned portion of 7th Street.

-Suffern United Methodist Church – Invitation to 1/17/16 Martin Luther King, Jr. Celebration.

-NYCOM – Winter Legislative Meeting – 2/7-9/16 – Hilton Albany.

-RC Conference of Mayors – Notice of 12/28/15 Meeting. (Mayor Flanagan was in attendance)

-NYS Public Service Commission – Regional Information Sessions and Public Statement Hearings.

Town of Ramapo – 23 Tax Bills – (Sewer Assessment on Village owned properties)

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien authorizing the payment of 23 Town of Ramapo tax bills for Village owned properties in the total amount of \$7,225.63.

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

-The Village Clerk reported a refund is forthcoming from the Town of Ramapo for an overcharge (Sewer Tax).

Transfer of Bank Accounts from Chase Bank to Sterling Bank

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw to ratify the opening of accounts at Sterling Bank and transfers to be made in a timely manner.

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

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

The Village Board was in receipt of Financial Reports at 12/31/15 as prepared by the Village Clerk-Treasurer.

-1/8/16 emergency repair of heating unit at Youth Center by Design Air, in the amount of \$1,293.00. **Approved by Village Board.**

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

8:34PM

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 allow Attorney/Client discussion regarding pending litigation.

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

9:01PM

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to re-open the regular meeting and to subsequently adjourn same.

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