

VILLAGE OF HILLBURN  
Board of Trustees Meeting  
Tuesday, January 16, 2018 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, January 16, 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. Thomas Noonan, former President of the CSEA Union, led the Salute to the Flag.

**Minutes of the 12/12/17 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 deferred the report until the arrival of a Ramapo Police Officer.

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

12/9/17 Damage to Guardrail – Terrace Avenue & Suffern Road – A quote was obtained from Anchor Fence to repair the guardrail that was damaged by a vehicle.

-Clerk-Treasurer Mary Boone reported that a bill had been sent to the operator of the vehicle, Romulo Pinos, along with a copy of the Police Accident Report and the quote for repair. Mr. Pinos called today and questioned the bill. Payment is due by 3/1/18.

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

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

2004 Ford F550 – Truck is in need of two front tires. A quote will be obtained for an estimated amount of \$300.00.

**Approved by Village Board**

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

Water Bill – P/E 1/31/18 – Meter readings are near completion.

-Hillburn Youth Center HVAC Replacement Project – Design Air is waiting for the Swanson Consulting, Inc. to perform the electrical inspection.

-There are still items to be discussed with Design Air.

-Youth Center – RC Health Permit – The Clerk-Treasurer reported the RC Health Department will be at the Youth Center on Thursday, 1/18/18 at 10:30PM to make the required inspection for the two year Permit.

**4<sup>th</sup> Street Railroad Bridge**

-Mayor Flanagan reported he had met with Town of Ramapo Supervisor Specht, along with other Town Officials on 12/20/17. The Town will go out to bid on the project upon receipt of information for bid specifications.

**HFD Report – Chief Starr not present.**

1/16/18 Quote from MES – 3 Batteries (Replacement for Streamlight) – Total Cost: \$146.85. **Approved by Village Board.**

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

-Mayor Flanagan reported the HFD has received approximately 30-40 less calls from the previous year.

-RE: Penflex – Correspondence received regarding new requirement regarding GASB 73. Matter will be referred to the Village Auditor.

**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 4<sup>th</sup> St. Corridor is pending.

-DPW Supt. Conklin reported several street lights are not working and were reported to O & R for repair.

**Village Engineer’s Report - Engineer Eve Mancuso reported:**

-Hillburn Youth Center HVAC Replacement Project - The Village Engineer confirmed that a final walk through will be scheduled for next week.

-The second claim has been received from Design Air and payment is pending.

Email Received from Marc Conway of Trans American Trucking – Request for Authorization to Utilize the 4<sup>th</sup> St. Railroad Bridge to Transport a Transformer to a Substation Located on 4<sup>th</sup> Street

Engineer Mancuso stated that, as stated in her 1/16/18 email, Trans American Trucking Service Inc. has included weight data and a sketch of the proposed delivery vehicle noting the gross weight is 469,500 pounds (235 tons) on 22 axles. The Fourth Street Bridge carries a 5 ton rating. Additional information is needed to determine if the bridge is structurally able to carry the load. A full structural analysis including the influence line to determine the maximum stress on the bridge members is needed to be performed.

-Attorney Cassidy stated that all concerned parties, i.e. NYS DOT, Conrail, Rockland County, Town of Ramapo, need to be advised.

-Engineer Mancuso questioned why the Village of Hillburn has not received prior notification, as the planning for this project probably started a year ago.

-Building/Fire Inspector Gordon stated he had emailed a representative of Alliance Energy, the owner of the respective property on 4<sup>th</sup> Street, who advised it is not their project. An email was also sent to Orange & Rockland Utilities, a tenant on the property, who has not responded at this date.

-Engineer Mancuso Village stated permits would be needed. Further, the Village should deal with the property owner, not the trucking company.

-Attorney Cassidy will send a written response to Mr. Conway.

Ramapo Police Officer arrived at meeting and stated the Village is quiet.

Village Attorney's Report – Attorney Cassidy reported:

-Village Property Located at 40 Fifth Street (former DPW Garage) – Attorney Cassidy advised that in order to sell the property, the Village Board would need to declare it as unneeded. Further, the Village Law allows the property to be sold by public bid or private sale; however, it cannot be given away.

-Mayor Flanagan advised that the DPW garage that was on the property was demolished following a determination by the Village's insurance company that it was unsafe. Habitat for Humanity is interested in acquiring the property to build a small single family dwelling as affordable housing. A Hillburn resident would receive precedence to purchase the home.

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw that the property located at 40 5<sup>th</sup> Street, s/b/l 47.18-3-7, is not of present or future use to the Village of Hillburn.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to authorize Village Attorney Cassidy to negotiate the sale of the property to Habitat for Humanity, subject to Permissive Referendum.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

Letter/Application for Relief from Moratorium filed 12/27/17 - Applicant: Vulfrano Lazcares

Attorney Cassidy stated she had reviewed the request and determined the application is incomplete. The Village Attorney will prepare a letter and supply same to Mr. Lazcares specifying the information required.

Town of Ramapo – 2018 Dog Control Services Agreement

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to enter into the 2018 Agreement with the Town of Ramapo for Dog Control Services; and to authorize Mayor Flanagan to sign Agreement.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

Town of Ramapo – 2018 Fire Districts Agreements

Mayor Flanagan reported this matter was discussed with Supervisor Specht and other Officials at the 1/09/18 meeting. An increase over last year's fee for protection, in the amount of \$20,000, was discussed. Receipt of official Agreement is pending.

Village of Hillburn v. Losner – Attorney Cassidy reported the Judge had set a Control Date of March 1, 2018 to obtain a Building Permit and complete the construction. An Application for Building Permit was filed by Mr. Losner on 12/27/17 and is pending before the Building/Fire Inspector.

-Mayor Flanagan questioned if any fines are being imposed on Mr. Losner.

-Attorney Cassidy stated that all claims submitted for Village Attorney's fees and Village Engineer's fees are levied against Mr. Losner's Village tax bill.

-Mayor Flanagan stated that a fine should be imposed for violating the Village Code, in addition to fees paid to the Village Attorney and Village Engineer.

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 will obtain the fully executed Stipulation with attachments from Stoneworks, Inc. and will submit same to the Village by the next meeting.

Village of Hillburn vs. Nicholas Ciancirosso, 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

Matter to be discussed in Executive Session.

Village of Hillburn vs. Creelman Road Property Owners

Matter to be discussed in Executive Session.

**11/28/17 NYS Dept. of State – RE: More Restrictive Local Standards for Construction and Local Energy Codes (Update to Uniform Fire Prevention & Building Code and State Energy Code, etc.)**

Bldg/Fire Inspector Gordon had provided a written response to the Village Board. The update provides the procedure for setting more restrictive construction and local energy codes. RC Uniform Fire Prevention Code 80-17 is more restrictive than the State Code.

-Attorney Cassidy stated that the form only has to be completed and sign if the Village decides to adopt a local law to impose more restrictive standards. No further response is necessary.

**Insurance –**

**Workers' Comp.** – Personnel matter to be discussed in Executive Session.

**New York State Municipal Workers' Compensation Alliance** – Workers' Compensation Funding Contribution (1/1/18-12/31/18) – Renewal Funding Contribution: \$30,126.00.

**State Insurance Fund** – HFD Insurance Policy (3/01/18 – 3/01/19)

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw to accept the Insurance Policy for the Hillburn Fire Dept.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

-Insurance Certificate will be posted in the H.F.D. and Village Office.

**Selective Insurance Company** – 12/13/17 Change – Removal of 2001 GMC.

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

A Financial Report as of 12/31/17 was supplied by the Village Clerk-Treasurer.

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

-Attorney Cassidy reported she will contact Verizon regarding the Draft Franchise Agreement that is still pending their approval and the scheduling of a Public Hearing.

**Tax Certioraris – (2014, 2015, 2016, 2017) –**

**Mt. Fuji v. Village of Hillburn (Tax Years 2014-15, 2015-16, 2016-17 and 2017-18)**

Attorney Cassidy reported the Stipulation of Settlement is awaiting signature by the Judge.

-The remaining two matters (TBS and Realty Mgmt/Hillburn Park Corp.) will be discussed in Executive Session.

**2018 Village Election – Tuesday, March 20, 2018**

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

**WHEREAS**, the next General Village Election for Officers will be held on Tuesday, March 20, 2018,

**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.

**2018 Assessment Roll** – (A workshop of the Board of Assessors was held on 1/9/18)

**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 9 Renewal Applications were received and approved.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

A total of 3 New Applications were received – 2 single residential applications approved. 1 multi residential application partially 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 **Approved**

Brook Presbyterian Church: 2 Applications **Approved**

St. James Mar Thoma Church: 1 Application **Approved**

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 **Approved**

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 2017 Town of Ramapo Assessment Roll for the 2018 Village of Hillburn Assessment Roll with the following changes, as set forth in the three (3) categories: (attachments)

- Category I - (Same as '17 Village Assessment)
- Category II - (Changes – New construction/demolition at 1/1/18)
- Category III - (Other Changes)

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

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

**BE IT ENACTED** that the 2018 Village Assessment Roll be prepared and be on file in the Office of the Clerk-Treasurer by January 31, 2018; and such roll is to be open for public inspection, during regular office hours, from February 1, 2018 until February 20, 2018 and on Tuesday, February 20, 2018 from 5:00 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

RE: Allowable Levy Growth Factor for Local Governments (Tax Cap) – 12/20/17 Notice from NYCOM – Beginning June 1, 2018, the Tax Cap will be 2%.

**2016 Master Plan Committee –**

Survey Supplied to Property Owners - Committee Secretary, Parquaris DeLeon, reported the deadline to complete/submit the survey has been extended to 1/24/18. New fliers have been posted.

-The next meeting of the Committee was scheduled for Saturday, 1/27/18. (Attorney Cassidy stated she will not be available to attend)

**2020 Census – Local Update of Census Address Operation (LUCA)** – The Village of Hillburn is participating. Yvonne Van Dunk is the lead person.

**Community Development –**

2018 CD Program – Deputy Village Clerk Yvonne Van Dunk attended the 1/10/18 Training Session.

-The RC CD Office scheduled the required Public Hearing February 13, 2018, 7:15PM.

**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 scheduled for Thursday, 1/18/18.

**Building/Fire Inspector's Report** – Inspector Adam Gordon reported:

2016-2017 Fire Permits – Inspections are being made. Approximately 2/3 complete at this date.

Inspector Gordon reported he has been working with Asst. Building Inspector Sean Tichenor, who will be obtaining the in-service training required to be certified.

RE: NYSBOC Spring Seminar – April 10-12, 2018 – Inspector Gordon requested authorization to attend the Seminar at the cost of \$275.00. **Approved by Village Board.**

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

**Escrow**

Status of Escrow Accounts Report @ 12/31/17 was supplied.

RE: Unclaimed Escrow Balances –

TJG Realty – Building Permit #020111 – Escrow Account Closed 3/24/15 - Balance: \$501.89 (Unclaimed at 1/16/18)

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien that final notification be given to TJG Realty and, if no response is received on or before February 13, 2018, the respective escrow account be closed out and the balance of \$501.89 (less cost of certified mail) be classified as non-refundable and claimed by the Village of Hillburn.

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

United Water New York – 10/30/14 Floodplain Devel. Permit Application + 2/17/15 Bldg Permit Reviews/Preparation – Escrow Account Closed 1/12/16 – Balance: \$23.34.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien that the respective escrow account be closed out and the balance of \$23.34 be classified as non-refundable and claimed by the Village of Hillburn.

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

**Senior Citizens** –

-Mayor Flanagan thanked Deputy Mayor DeGraw for filling in for him at 1/15/18 meeting to swear in the newly elected Officers for the 2 Year Term 2018-2020.

RE: Senior Law Day – Trustee DeGraw reported on the event that will be held on 1/26/18 from 10:00AM to 2:00PM at the West Haverstraw Village Hall. (Notice posted on Village Office Door).

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

-Christmas Party at Youth Center – Saturday, 12/16/17 – Registration worked well and this event was well attended. Thanks were extended to Ken and Camille Conklin for the donation of toys through the USMC Toys for Tots; and to the Hillburn Senior Citizens Organization who donated to the event, and to the volunteers: Bev Flanagan, Rose DeGroat, Grace DeGroat, Lisa Morgan and to Christian Scott and Olivia Lee (Frosty & Rudolph)

RE: Jeremy Honey (Santa Claus) – Request that a \$50.00 donation be sent to Mr. Honey. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**2018 Summer Camp & Swim Program**

Registration for the Payment Plan for the Camp Registration Fee has been re-scheduled from 1/20/18 to Saturday, 1/27/18 10AM-12Noon.

**Michelle A. Noel Scholarship**

-One application has been received and the Scholarship was awarded to Isabelle Joseph for the 2018 Camp Program

-Bingo Fundraiser – Rescheduled from 1/27/18 to Saturday 2/3/18. Tickets are now on sale.

**RE: Afterschool Program**

**Petty Cash** – Request for \$200 to purchase snacks. (Receipts for previous Petty Cash received have been submitted).

**Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-RC Department of Health – RE: Updated requirements to obtain a permit to operate a children’s camp in Rockland County. Matter to be addressed by Recreation Director, Angela Flanagan.

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

**Public Comments** – None

**Suffern High School Students** were in attendance and acknowledged.

**Applications for Use of Hillburn Community Room:**

-Applicant: Kathleen Davies : Thurs: Jan. 11 & 25, 2018; Feb. 8 & 22, 2018, Mar. 8 & 22, 2018; April 12 & 26, 2018 -  
Time: 6:30PM – 8:30PM Purpose: “Bobbin Babes” Sewing & Quilting

-Applicant: David K. Farrison – Hillburn Community Scholarship Committee – Jan. 18, 2018 – 7:00PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

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

-NYCOM – Results of NYCOM’s Water and Sewer Rate Survey.

**Proposals – Independent Auditors**

Two Proposals were received for Fiscal Years Ending 5/31/18, 5/31/19, 5/31/20, 5/31/21, 5/31/22

- PKF O’Connor Davies, Harrison, NY
- Berard & Assoc., CPA’s P.C., Suffern, NY –

A MOTION was made by Trustee DeGraw to accept the proposal submitted by Berard & Assoc., CPA’s P.C. to serve as Professional External Auditors for the fiscal years ending 5/31/18, 5/31/19, 5/31/20, 5/31/21 and 5/31/22.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**2017 Local Government Records Management Improvement Fund Grant (LGRMIF)** – Grant Award: \$28,631.00 – Notice has been received from the contractor, New York State Industries for the Disabled, Inc., that the Certificates of Occupancy and Demolition Permits have been scanned and they are presently working on the Building Permits.

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

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to suspend the meeting at 8:05PM, at which time the Board of Trustees will hold an Executive Session regarding personnel.

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

Regular meeting resumed.

**RE: Anthony Henry - Workers’ Compensation Wages (10/10/17 Injury)**

WHEREAS, Anthony Henry, Workers’ Compensation Wages have been supplemented by earned vacation wages and earned sick-time since 10/10/17, and

WHEREAS, all the earned vacation wages and the earned sick-time have been utilized as of week ending 1/19/18 payroll;

THEREFORE, BE IT RESOLVED that effective 1/20/18, Anthony Henry will only receive Workers’ Compensation Wage allocation on a weekly basis.

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

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to adjourn the meeting at 8:12PM.

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