

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, July 17, 2018 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, July 17, 2018, 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
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, Jr., Mayor. HFD Chief Shane Starr led the Salute to the Flag.

Minutes of the 6/19/18 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 deferred report until arrival of Ramapo Police Officer.

DPW Report – DPW Supt. Thomas Conklin

5/24/18 Water Main Break – Hillburn Industrial Park (143 Route 59)

6/4/18 Claim - J. Fletcher Creamer & Son, Inc. – Invoice #C-1805197 in the amount of \$14,064.56 – DPW Supt. reported he had discussed the discrepancies reflected on the invoice with J. Fletcher Creamer & Son, Inc. and they will be supplying a revised invoice.

-Village Attorney reported he had also sent a letter to J. Fletcher Creamer & Son, Inc. that the Village of Hillburn is disputing the claim.

Veterans Memorial Park Pond

-Princeton Hydro – 2018 Pond Management Service– DPW Supt. Conklin reported the recent treatment of the pond included a light dose of algacide and herbicide.

-RC Health Dept. – Mosquito Treatment – DPW Supt. reported the pond was inspected and no treatment was required.

Verizon – Double Poles – An updated list of double poles was supplied to the Village Attorney.

Installation of Stop Signs – Trustee O’Blenis questioned the status of installations. Supt. Conklin will follow-up on same.

Hudson Valley Water Works Conference – Announcements of Workshops for Water Operators

Dig Safely New York – Quarterly APR Report

Municipal Building Parking Lot – Mayor Flanagan requested DPW Supt. to adjust the sign designating the Village Justice Parking Space to be more visible.

RC Multi-Jurisdictional Natural Hazard Mitigation Plan – Notification of FEMA approval of the RC Multi-Jurisdictional Natural Hazard Mitigation Plan as APA (Approvable Pending Adoption); and FEMA’s requirement that each municipality adopt a Resolution adopting the plan.

-Village Attorney Ellsworth reported he had reviewed the Resolution and found it to be in order.

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

WHEREAS, The Disaster Mitigation Act of 2000 (DMA 2000) (P.L. 106-390) provides an opportunity for States, Tribes, and local governments to take a new and revitalized approach to mitigation planning; and

WHEREAS, DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act) by repealing the previous Mitigation Planning section and emphasizes the need for State, Tribal, and local entities to closely coordinate mitigation planning and implementation efforts; and

WHEREAS, the Village of Hillburn, in partnership with the County of Rockland and with the assistance of Tetra-Tech Corporation, has gathered information and prepared the Rockland County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, The Rockland County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Village of Hillburn has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Village of Hillburn has reviewed the Plan and affirms that sections pertaining to the Village will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED that the Village of Hillburn adopts the Rockland County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Ayes: Craig M. Flanagan, Jr., Mayor
Bonnie O’Blenis, Trustee
Eleanor DeGraw, Trustee
Noes: None

RESOLUTION was unanimously adopted.

Village Water System

Civil Design Works, LLC.–Special Engineering Consulting Services – Engineer Mancuso reported she anticipates that the services of Civil Design Works, LLC will be needed as the process of evaluating the Village’s water system continues.

RC Health Department – 7/2/18 Billing – Water Sampling for 2nd Half of 2018

-Mayor Flanagan questioned the amount due of \$2,080.00 inasmuch as it seems very high compared to previous years. (respective bills were reviewed by Village Engineer)

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis authorizing the payment of the 7/2/18 bill in the amount of \$2,080.00 for water sampling for 2nd half of 2018.

Ayes: Mayor Flanagan & Trustees O’Blenis & DeGraw

Noes: None

4th Street Railroad Bridge - RE: Resurfacing by Town of Ramapo – Engineer Mancuso reported she had attended the 7/16/18 meeting at the Town of Ramapo. At present, the Town is awaiting notification regarding the grant application. Town is considering placing a line item in the next budget allocating monies to this project; and suggested the Village of Hillburn holding a BAN/Bond and the Town would make payments. The next meeting is scheduled for August 26, 2018.

HFD Report – Chief Starr reported:

Requests for Purchases: Approved by Village Board.

-Cleaning Supplies, Oil and Grease – Vendor: Ramapo Auto – Maximum Cost: \$150.00.

-(1) Set of Wildland Gear – Vendor: Hi-Tech Fire & Safety – Cost: 814.50.

-(2) Sets of Gear – Vendor: Hi-Tech Fire & Safety – Cost: \$5,318.34.

Ayes: Mayor Flanagan & Trustees O’Blenis & DeGraw

Noes: None

-7/1/18 Correspondence – MES – NFPA/Scott Required Functional Flow Testing – Scott Air-Paks – Mayor Flanagan stated that he has reached out to Assemblywoman Jaffee for funding.

-RE: NYS Dept. of Financial Services – Foreign Fire Insurance Premium Tax Distribution – The check, in the amount of \$1,670.15, along with the accompanying correspondence, was forwarded to the HFD Treasurer on 7/6/18.

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 4th St. – Upgrade still pending.

-New York Power Authority (NYPA) LED Street Lighting Program – An estimate of the project costs and savings received from NYPA is on file.

-RealTerm Energy LED Street Light Proposal – Mayor Flanagan scheduled a Special Meeting of the Board of Trustees to be held on 7/23/18 at 4:30PM – Agenda Item: Realterm Energy Recovery Specialist Sandy Stead.

Village Engineer’s Report - Engineer Eve Mancuso reported:

Village Water System - Village Engineer Mancuso requested authorization to provide copies of the Village’s water maps to two engineering firms in order for them to prepare and submit quotes to provide a valuation of the water system for potential sale to SUEZ. The Village Board authorized same.

Village Attorney’s Report – Village Attorney Richard Ellsworth

Pending Litigation – Village of Hillburn v. Losner - Attorney Ellsworth stated a judgment is pending in Supreme Court regarding condemnation of the structure and questioned DPW Supt. Conklin if there was any change to the property. Supt. Conklin reported only the lawn has been mowed.

RE: TBS Realty - April 2018 Stipulation – To be Paid by Village: \$15,000.00 – A check has been prepared for approval/signature by Village Board, in the amount of \$7,500.00, representing the 1st of two payments.

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

Attorney Ellsworth reported he is waiting for Verizon’s response to his request to modify the Franchise Agreement to include additional fees, including late fees, installation fees, etc.

Requests for Relief from Moratorium - There are (5) waiver requests before the Village Board.

Attorney Ellsworth read Section 7A of Local Law 2 of 2017 - Administrative Relief from Moratorium:

“In order to prevent an unlawful taking of property and to prevent irreparable harm, the Village Board of Trustees is authorized to grant limited relief from this moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence including credible dollars and cents proof, that the applicant cannot make any reasonable use of its property with any of the uses permitted in the relevant zoning district; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium. Any relief granted by the Village Board shall be the minimum necessary and the Village Board may impose conditions on any relief granted.”

-Thomas Scott, Jr. (Property I.D.: 47.18-3-56 - 194 Route 17) - 7/12/18 Request for Waiver

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to deny Thomas Scott, Jr.’s request for waiver from the moratorium – Reason: Does not comply with Section 7 – Administrative Relief from Moratorium.

Ayes: Mayor Flanagan & Trustees O’Blenis & DeGraw

Noes: None

-Yehuda Levi, 345 Route 17, LLC – 7/10/18 Request for Waiver

Attorney Ellsworth stated that the sign was constructed without a permit and matter was brought before the Hillburn Justice Court and a fine was imposed. Should the Board grant the waiver, the property owner would also need to obtain a variance from the ZBA, as the Village Code does not permit this type of sign.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien that the request for a waiver from the moratorium filed by Yehuda Levi, 345 Route 17, LLC, for the sign installed at the entrance of property granted – 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

-Don Brennan, TJG Realty of Rockland, LLC (Property I.D.: 47.14-2-41 - 260 Route 17) - 7/10/18 Request for Waiver

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to deny Don Brennan, TJG Realty of Rockland, LLC's request for waiver from the moratorium – Reason: Does not comply with Section 7 – Administrative Relief from Moratorium.

Ayes: Mayor Flanagan & Trustees O'Brien & DeGraw

Noes: None

-Daniel Harpaz, Member – NISHA Realty, LLC (Property I.D. 47.14-1-7.-50 (Unit #5) – 7/9/18 Request for Waiver

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien that the request for a waiver from the moratorium filed by Daniel Harpaz, Member – NISHA Realty, LLC in order to apply for a new use of the referenced building be granted – 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

-Michael V. Curti, Harris Beach, PLLC on behalf of SUEZ Water New York, Inc. – 6/26/18 Request for Waiver

Attorney Ellsworth reported that SUEZ Water New York, Inc. had previously obtained approvals from the Hillburn Planning Board and the ZBA regarding this project; however, due to the failure of SUEZ New York, Inc. to move forward, the approvals expired. SUEZ Water New York, Inc. would now like to reapply and commence the project.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien that the request for a waiver from the moratorium filed by SUEZ Water New York, Inc. for the proposed GWUDISW Improvements to Ramapo Well No. 97 be granted – Reason: The request is reasonable, as the improvements are mandated by the New York State and Rockland County Departments of Health; 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

NYSER Standard Workday Report

Attorney Ellsworth reported he is following up with the required Resolution.

NYS Deferred Compensation Plan

Mayor Flanagan reported on the presentation given on 7/3/18 to interested employees by Thomas Migliano, Account Executive of NYS Deferred Compensation Plan. Participation in the plan is voluntary.

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

WHEREAS, the Village of Hillburn wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and

WHEREAS, the Village of Hillburn is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law; and

WHEREAS, THE Village of Hillburn has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Village of Hillburn by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby:

RESOLVED, that the Village of Hillburn hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Village of Hillburn are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, THAT THE Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Ayes: Craig M. Flanagan, Jr., Mayor

Bonnie O'Brien, Trustee

Eleanor DeGraw, Trustee

Noes: None

Abstentions: None

RESOLUTION was unanimously adopted.

Insurance

- The 2003 Ford (Old HFD Chief's car now being used by Building/Fire Inspectors) has been placed on the Village's insurance policy – Additional Endorsement Premium: \$1,061.00.
- Building/Fire Inspector Adam Gordon and Asst. Building Inspector Sean Tichenor have been placed on the Village's Drivers' List.

Various Capital Improvements (In accordance with 9/1/16 Bond) – RE: Comprehensive Plan

- Claim filed by Nelson Pope & Vorhees (Period: 5/4/18 – 6/1/18) Inv. #16989 \$1,417.50 **Approved by Village Board**

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

8/31/18 Maturity of \$160,000 BAN

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien authorizing the Village Attorney to seek interest bids for a \$110,000 BAN to renew, in part, the \$160,000 BAN; and FURTHER, interest bids are to be submitted by 4:00PM on 8/21/18.

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

2016 Master Plan Committee – Committee Secretary, Parquiris DeLeon, reported the next meeting is scheduled for Saturday, 7/21/18 at 10:00AM, in the Hillburn Community Room.

- Village Engineer Mancuso confirmed her attendance.

2018 Hillburn Day – July 28, 2018 (Rain Date: 7/29/18) Chairperson: Trustee Eleanor DeGraw reported:

- Many people have volunteered to help out on the day of event.
- The Village Board authorized the DPW staff to work on Hillburn Day, including the seasonal workers.
- The Town of Ramapo will be delivering the stage on Friday, 7/27/18.
- The bus company has been notified of the road closures.

Purchases:

- Royal Tees – Add'l Commemorative T-Shirts: \$145.00 **Approved by Village Board**
- Got-To-Go Outdoor Restrooms – Handicap Restroom – Veterans Memorial Park - \$200.00 **Approved by Village Board**

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

RE: Village Property Located at 40 5th Street –

-Attorney Ellsworth reported he is awaiting a signed Contract from Habitat for Humanity. The property is being sold as is, with the stipulation that the closing will proceed upon execution of the contract, and receipt of required approvals by the ZBA and, if required, the Planning Board.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to approve the sale of Village property located at 40 5th Street, and FURTHER, upon receipt of a signed Contract of Sale from Habitat for Humanity, Mayor Flanagan is authorized to execute same.

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

- DPW Supt. questioned the time frame for the construction to begin, as equipment has to be relocated. Attorney Ellsworth estimated two months after approvals are obtained.

2020 Census – Local Update of Census Address Operation (LUCA) – Deputy Village Clerk Yvonne Van Dunk is following up with same.

Zoning Board of Appeals –

Vulfrano Lazcares – Revised ZBA Application filed 5/16/18 – RE: Addition to Existing Single Family Dwelling: 2 Car Garage with 2nd Floor Bedroom & Bath. A Public Hearing was held on 6/18/18 regarding the application and will continue on 7/23/18.

Planning Board – Next meeting: 7/18/18.

Building/Fire Inspector's Report –

Attorney Ellsworth advised he is following up on a matter to be discussed in Executive Session.

Escrow

The required escrow has been posted by Vulfrano Lazcares (RE: 11/17/17 ZBA Application and 5/16/18 ZBA Application)

Senior Citizens – Trustee DeGraw reported that Senior Citizen President, Diana DeGroat, has extended an invitation to the Village Board to attend the Annual Picnic that will be held at the Ramapo Senior Center on Monday, 7/23/18.

- 8/20/18 Trip to Hunterdon Playhouse** – Village's Share: \$275.00. **Approved by Village Board.**

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

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

- 2018 Summer Camp & Swim Programs – July 9 – August 10, 2018** – Camp has started and we have 44 excited campers!
- Chief Starr and the Fire Dept. came the first day and did a fire safety program, along with a drill. We would like to thank them for an excellent program. The children learned a lot and also had fun while doing so.
- We took our first trip to Powerhouse Studios and the kids had a blast!
- On 7/25/18, we will be going to a Movie at Palisades Mall. 52 children will be attending at \$5.99 each (Total: \$311.48). Following the movies, we will be going to Dave & Busters.
- The children are preparing for the Talent Show for Hillburn Day.

2018-2019 After School Program – 1st Day of School: 9/5/18

Registration – Request to hold registration on the last day of Camp, 8/10/18, from 12noon-3:00PM, and a second registration prior to the start of school, 9/5/18. **Approved by Village Board.**

Ayes: Mayor Flanagan & Trustees O’Blenis & DeGraw

Noes: None

Fees – A recommendation was made to keep the fees the same as last year: \$350.00 for residents, \$450.00 for non-residents. with a \$25.00 discount for siblings.

Pursuant to a discussion regarding fees,

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis that the fees for the 2018-2019 After School Program be as follows: Residents: \$375.00; Non-Residents: \$475.00.

Ayes: Mayor Flanagan & Trustees O’Blenis & DeGraw

Noes: None

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

New Jersey Indian Council, Inc. – 7/2/18 Correspondence – RE: Native American Summer Youth Program

The Village Board has met with Program Counselor Charlene DeFreese regarding this program that would place native youth in summer employment through their work experience program, and would be paid through the NJ Indian Council’s youth program monies – no wages are paid by the employer partner. Work assignments run six to eight weeks, starting 7/16/18.

-As recommended by Attorney Ellsworth, the Village Board tabled the matter until proof of insurance/liability coverage is provided by the organization.

H.F.D. - 2/22/18 Response to Fire Call – County-Wide Carting – Truck Leaking Oil

3/19/18 Letter to County-Wide Carting for Reimbursement of Expenses incurred – HFD Chief Starr questioned the status of this matter. Village Attorney Ellsworth stated he will follow up on same.

NYS Society of Municipal Finance Officers – Annual Membership Dues (P/E 9/30/19): \$40.00. **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Rockland Municipal Planning Federation – 2018 Annual Membership Dues: \$100.00. **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Public Comments – None

Applications for Use of Hillburn Community Room **Ratified by Village Board**

-Applicant: Eleanor DeGraw: Tues, July 10, 2018 - 7:00PM – Hillburn Day Committee Meeting.

Ayes: Mayor Flanagan & Trustees O’Blenis & DeGraw

Noes: None

Applications for Use of Hillburn Community Room **Approved by Village Board**

-Applicant: Eleanor DeGraw - Wed., July 19, 2018 - 7:00PM – Hillburn Day Committee Meeting.

-Applicant: Eleanor DeGraw - Wed., Aug. 27, 2018 - 7:00PM – Hillburn Day Committee Meeting.

-Applicant: Regina Scott - Fri., Aug. 17, 2018 - 6:00PM-10:00PM & Sat., August 18, 2018 – (8:00AM-6:00PM)
Shining Lights Helping Hands – Back to School Event

Ayes: Mayor Flanagan & Trustees O’Blenis & DeGraw

Noes: None

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

-Joshua Harper – Proposal to construct a bus shelter at the corner of 4th St. and Mountain Avenue as an Eagle Scout Project. It was the consensus of the Village Board that Mr. Harper be referred to the Suffern School District, as the proposed site would be on their property. Attorney Ellsworth will send a response to Mr. Harper.

-Anonymous Complaint – Noise by people at firehouse bldg. (Mayor Flanagan will discuss matter with HFD President)

-NYS Department of Civil Service – Empire Plan Quarterly Experience Report.

-Comp. Alliance – Annual Report for 2017.

-Comp. Alliance – Safety Bulletin – Oxygen & Acetylene Use and Safety.

-NYS Dept. of Taxation & Finance – Notice of final State Equalization Rate: Village of Hillburn – 15.81.

-NYS DOT – RE: Bridge Painting Project (Route 59 over Metro North Railroad PJ Line, BIN 1027600)

-Village of Montebello – Adoption of new “Bee Law”.

-NYCOM – Legislative Update: June 28, 2018

-NYCOM – Workshop – Powers and Responsibilities of Local Officials – 8/9/18 – Village of Walden

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

Personnel – Matters addressed by Village Board.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to adjourn the meeting at 8:33PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None