

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, July 18, 2017 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, July 18, 2017, 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
Elizabeth K. Cassidy, Village Attorney
Thomas M. Conklin, DPW Supt.
Mary M. Boone, Clerk-Treasurer

RECORDER OF MINUTES: Robin Miele, Asst. Clerk-Treasurer

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Meeting called to order by the Hon. Craig M. Flanagan, Jr., Mayor. DPW Supt. Thomas Conklin led the Salute to the Flag.

Minutes of the 6/20/17 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 reported he had spoken with Ramapo Police Chief Wydell and Captain Reilly and requested increased enforcement of the Village Code, including parking vehicles in fire lanes and on Village sidewalks;

DPW Report – DPW Supt. Thomas Conklin reported:

Striping of Fire Lane on old 4th Street (area of 201 Route 59) – Supt. Conklin reported the work was completed on 6/25/17.

7th St. Drain Pipe Project (Area of 32 7th St.) – The contractor, DeSimone & Sons, has commenced the project. Another drain pipe in the area on 7th Street also requires some repair. Quote(s) will be obtained.

Repair of Curb Box - 31 Sixth Street – The curb box is located under a bluestone sidewalk installed on the property line by the property owner. The stone immediately above the curb box is not cemented in and can be easily lifted; however, it is not certain if the repair can be made without damaging the sidewalk. The repair will be made tomorrow morning.

Repair of Backhoe – Quote from Suffern Sales: \$617.50.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve an expenditure of \$617.50 for the repair of the backhoe (throttle and cutting edge) by Suffern Sales.

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

DPW Tractor –

7/14/17 Quote from Sosler’s Garden & Farm Equipment, Inc.:

New Massey-Ferguson 4WD Diesel Tractor -	\$11,000.00
New Massey-Ferguson 50” Snow Blower	4,500.00
1 New Curtis Deluxe Steel Cab w/ Heater	5,000.00
1 New Massey Ferguson 60” Mower	<u>3,000.00</u>
	\$23,500.00
LESS Trade-In (1993 Tractor)	<u>(2,000.00)</u>
Total Cost (Delivered)	<u>\$21,500.00</u>

The Village Attorney will review the Village’s Procurement Policy to determine the bidding requirements for this purchase.

RE: Declaration of 1993 Massey-Ferguson Tractor as Surplus

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to declare the 1993 Tractor as surplus equipment.

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

-A list of equipment to be declared surplus, including the old HFD Chief’s car, will be compiled.

-Mayor Flanagan requested that the old HFD Chief’s car be removed from 42 5th Street and a tarp be placed across the small storage area.

HFD Report – Chief Starr reported:

Cascade System – Repair is needed. Chief Starr was authorized to obtain a quote.

Lights in Truck Bay – Lights need to be replaced and the drain needs repair. The DPW was authorized to follow up on these matters.

Proposal from Active 911, Inc. – Fire Call Texting Service – 25 Phones + TV - Annual Cost of \$352.50 – HFD Chief Starr stated the HFD has been using the system on a trial basis and it is better than the “Who’s Responding” service that cost \$1,100.00. **Approved by Village Board.**

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

Grants for Fire Equipment – Chief Starr reported:

-A “Fire Grants Help” Pre-Planning Questionnaire has been completed and submitted – RE: \$150,000 Grant Application for the purchase of 30 sets of Turn-Out Gear.

-The next grant application will be for the purchase of Scott Air Packs.

-Chief Starr suggested contacting a Grant Writer. Mayor Flanagan will email the Grant Writer.

-Chief Starr stated the Tallman Fire Department is getting new high bands and may donate their old ones (one year old) to the H.F.D.

NYS Department of Labor – Notice has been received that a follow-up inspection will be made on Friday, 7/21/17.

-RE: DPW Garage – Violation –Eyewash Station – Abatement Date: July 25, 2017.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to ratify the Mayor’s approval of the proposal from Tifco, in the amount of \$599.50, for the purchase of an Eyewash Station that meets the requirements of the NYS Dept. of Labor.

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

O & R – RE: NY Public Service Commission Case 16-E-0226; O & R’s Add’ 1 LED Street Lighting Options Available to Municipalities – As approved at the 6/20/17 Board meeting, the signed Agreement was returned to O & R,

along with a list of two street lights on Fourth Street to be upgraded to LED at no cost to the Village. (in accordance with the formula provided by O & R: 2% of the total number of street lights in the Village: 116)

Supt. Conklin reported O & R has notified that there is a possibility the Village may qualify for additional no-cost LED upgrades. A list of 7 additional street lights on 4th Street was supplied to O & R.

Village Engineer’s Report – Engineer McCreedy not present.

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw authorizing payment of the following two claims:

-7/10/17 Claim - 40 5th St - Certified Boundary Survey of Property & Lot Corner Stake Out: \$1,550.00

-7/10/17 Claim - Creelman Road Review and Attendance at 6/20/17 Consortium Meeting: \$ 151.00

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

SAM Grant - Village of Hillburn #7063 – HVAC System for Youth Center – Bid Specifications were received from Brooker Engineering.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the rescheduling of the Opening of Bids from 7/18/17 to Tuesday, August 22, 2017 at 7:15PM.

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

Village Attorney’s Report – Attorney Cassidy reported:

RC Board of Elections– RE: Request for Use of Hillburn Community Room: 9/12/17 (Local Primary) and 11/7/17 (General Election) – Attorney Cassidy stated she will supply a report regarding the 6/7/17 correspondence from Thomas Simeti, Principal Asst. County Attorney received in response to the 4/28/17 letter from Village of Hillburn advising of required fees for use of the Community Room (rental and personnel services).

Village of Hillburn v. Losner – Attorney Cassidy reported she and the Building/Fire Inspector will be attending a Hearing, scheduled by the Judge, on 7/20/17.

7:40PM – As requested by Attorney Cassidy,

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis, to suspend the regular meeting of the Village Board in order to hold an Executive Session to discuss pending litigation.

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

7:55PM

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis, to resume the regular meeting of the Village Board.

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

RE: Litigation Regarding Illegal Operation of a Contractor’s Yard on Property located on Creelman Road in Violation of Stop Work Order

–Law Office of Elizabeth K. Cassidy, PLLC - 7/17/17 Retainer Agreement – RE: Hillburn vs. Nicholas Ciancioruso, etc. Al.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to ratify their previous approval of the 7/17/17 Retainer Agreement to commence litigation against the owners, tenants and occupants of property located on Creelman Road to seek a temporary and then permanent injunction against illegal use of the property.

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

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 – The Decision and Order of the Supreme Court of the State of New York dated November 29, 2016 determined that the Permits are valid and Stoneworks can continue its operation.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis authorizing the Village Attorney to prepare a formal Resolution and Stipulation Agreement with Stonework Estates., Kristian Matthews and Legacy Stoneworks, Inc.

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

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

A Financial Report as of 6/30/17 was supplied by the Village Treasurer.

Verizon 10 Year Special Franchise Agreement – Expiration Date: Oct. 2017 – A workshop meeting with Verizon representatives will be held on 8/22/17 at 6:00PM, prior to the scheduled Board Meeting.

Tax Certioraris – (2014, 2015, 2016) –

RE: Fujita Trust

– A settlement offer has been presented and a response is pending.

-7/1/17 Claim – Law Office of Rebecca Speno – Fujita Trust v. Village of Hillburn - \$250.00. **Approved by Village Board.**

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

2017 Assessments – Notices of Petition

Petitions filed by Fujita Trust, Hillburn Industrial Park and TBS Realty. Attorney Cassidy stated the 2017 Petitions will be added to the existing cases.

2016 Master Plan Committee –

Committee Secretary, Parquiris DeLeon, reported that a meeting has not been scheduled.

-Mayor Flanagan stated a date will be determined. Attorney Cassidy suggested the meetings be held on a week night.

Community Development – Membership in the Consortium for FY 2018, FY 2019 and FY 2020 – The required Resolution has been submitted. No further word has been received.

Zoning Board of Appeals –

The ZBA Clerk reported there are no pending applications before the ZBA.

-Appointment of a new ZBA member is needed to fill the vacancy due to the resignation of Carolyn Hairston.

Planning Board – Next Meeting: 7/20/17 – Agenda Item: Public Hearing – Application of Lisa Jennings (Lot Line Shift)

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

-The Village Board was in receipt of correspondence from the Building/Fire Inspector.

-Mayor Flanagan reported that he had spoken to Building/Fire Inspector Adam Gordon who advised he has been offered a position at the Town of Ramapo. Subsequently, a meeting was held with Sean Tichenor, who is interested in becoming a Building/Fire Inspector.

Escrow

Status of Escrow Accounts Report @ 6/30/17 - The Village Board acknowledged receipt of the report as prepared and supplied by the Village Clerk-Treasurer.

RE: Escrows Pending Establishment (5/26/15 Village Board Resolution)

-TBS Realty Mgmt, LLC (847.19-2-2) and Realty Mgmt/Hillburn Park Corp. 47.15-1-4 (Inspections by Bldg/Fire Insp)

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to rescind the Village Board’s 5/26/15 requirement that escrow accounts be established by TBS Realty Mgmt, LLC and Realty Mgmt/Hillburn Park Corp., in the amounts of \$2,500.00 each.

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

-Leonard Gluck (47.18-2-50) 1/27/17 *Site Plan Application to Hillburn Planning Board - \$850.00

-McIntosh, Robert (47.18-3-32.11) – Building Permit Application – Landscaping (Engineer Review) - \$500.00

Senior Citizens – The annual picnic was held on 7/17/17.

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

2017 Summer Camp & Swim Program – Everything is going well. Thanks were extended to the H.F.D. Chief and members for a superb drill and safety program.

RE: 2017 Fall Festival – The Village Board stated that there will not be a Fall Festival in 2017.

2017-2018 After School Program – Registration will be held in August.

-A \$25.00 increase in the registration fee is recommended to help with snacks. **Approved by Village Board.**

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

Hillburn Sewer Rebate Committee – Trustee DeGraw reported one rebate had been recently processed and one is pending. Applications are still being accepted.

2017 Hillburn Day – Sat. 7/29/17 (Rain Date: 7/30/17) -Committee Co-Chairperson Beverly Flanagan not present. -Co-Chairperson, Trustee DeGraw, reported – RE: Jumpee – NJ Outdoor Amusements has been contacted regarding a jumpee. They are self insured and will provide supervising personnel onsite. A contract proposal will be mailed.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the contract with NJ Outdoor Amusements to provide a Jumpee and Personnel from 11:00AM-4:00PM on Hillburn Day, at the cost of \$400.00, subject to the review and approval of the insurance documentation by the Village Attorney.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Public Comments

-Chevron Torres (54 5th Street) stated her concern regarding neighboring children urinating in their yards. (Ms. Torres was advised to contact the Police Dept.)

Pat Osterhoudt (169 6th Street) questioned what had caused the white foam on Route 17 approx. 2 weeks ago. (Mayor Flanagan stated the foam was used to clean a fuel spill in the area of IWS.

7/7/17 Emergency Mark Out (Fuel Spill) –321, 331, 341 Route 17) – It was determined that the property owner, Beautiful Acres, Inc./IWS, be billed for the costs incurred by the Village of Hillburn in the total amount of \$104.60 (Labor, Dig Safely Charge). **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Frank Lazcares (39A 7th Street) questioned if work is planned on the other drain pipe on 7th Street. (Mayor Flanagan stated matter is being reviewed)

-Chevron Torres questioned the appointment of a Building/Fire Inspector who is not experienced.

Mayor Flanagan stated Mr. Tichenor’s brother is the Building Inspector in the Village of Suffern and Code Enforcement Office in the Village of Sloatsburg.

Attorney Cassidy stated there are minimum standards required.

-Ms. Torres questioned how many units are being constructed on Sixth Street and if it is being supervised.

Mayor Flanagan responded there is one single family dwelling being constructed and the Building/Fire Inspector and Village Engineer are making inspections.

Trustee O’Blenis questioned the procedure when construction debris is placed at curbside for bulk pick-up.

-DPW Supervisor Conklin stated a tag is placed on the material advising that Village of Hillburn does not collect construction debris.

GASB #45 Report– The FYE 2017 GASB #45 Actuarial Valuation Report, as prepared by Danziger & Markhoff, LLP, was acknowledged and approved by the Village Board.

Town of Ramapo – Dog Control Services – The Village Board acknowledged receipt of an Invoice and itemized billing report for June 2017.

-The Village Board stated the Agreement with the Town of Ramapo stipulates that the Dog Control Officer check in when she is in the Village.

Applications for Use of Community Room

-Sheree Edwards - Friday, 8/18/17 / 2:00PM – 10:00PM - Brook Pres. Church Spaghetti Dinner (**Approved**)

-Eleanor DeGraw– Friday, 7/14/17 / 7:00PM – Hillburn Day Committee Meeting (**Ratified**)

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

2017 Local Government Records Management Improvement Fund Grant (LGRMIF) – Grant Award: \$28,631.00 - Final approval is still pending from the New York State Archives Grants Administration Unit.

SAM Grant - Village of Hillburn #7063 – HVAC System for Youth Center –

As reported under the Village Engineer’s report, Opening of Bids has been re-scheduled for 8/22/17 at 7:15PM.

2017 Rockland County Tax Maps – The Village of Hillburn Tax Maps as of 2/28/17 have been received.

Correspondence – The Village Board acknowledged receipt of copies of correspondence, regular and email.

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 adjourn the meeting at 8:40PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None