

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, March 28, 2017 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, March 28, 2017, 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
Elizabeth K. Cassidy, Village Attorney
Thomas M. Conklin, DPW Supt.

ABSENT: Eleanor J. DeGraw, Trustee
(School)

RECORDER OF MINUTES: Mary Boone, Clerk-Treasurer

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

Minutes of the 3/16/17 Meeting - Approved by Village Board.

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

Street & Water Commissioners Reports – Approved by Village Board.

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

DPW Report – DPW Supt. Thomas Conklin reported:

RE: Trees – O & R Utilities was in the Village and removed several trees.

RE: Repair of Small Overhead Door at Terrace Avenue Garage – As approved at the 3/16/17 meeting, Dutchess Overhead Door completed the repair.

RE: Quotes Received from Suffern Sales and Service

H.F.D. Chief’s Vehicle - \$2,335.99 (Tabled)

DPW 2008 Ford (#4) - Not to Exceed \$1,000.00. **Approved by Village Board.**

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

FCC Notification for Spectrum Manager Lease Ownership Disclosure Information and Spectrum Lease Agreement –Water Meter Reader – Paperwork and Agreement have been filed.

DPW – Seasonal Hours – 6:00AM – 2:30PM – May 1st through October 9th. **Approved by Village Board.**

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

Community Clean-Up Day – Sat., April 22nd (Rain Date: April 29th) – Quote for refreshments being obtained.

HFD Report – Chief Starr reported

RE: Old Chief’s Truck - Truck will be taken to Goosetown Communications for removal of light bar and fire radio.

RE: New Chief’s Truck – Estimated date that truck will be in service: 4/20/17.

-4/06/17 – Installation of Cap - York Motors, Inc. for installation of cap.

-4/10/17 – Installation of Lights & Radio - Goosetown Communications

-Purchase of Weather Tech Floor Mats – Cost: \$288.00. **Approved by Village Board.**

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

-The voucher claim for full payment to Webster Ford, d/b/a Henderson Family Ford, in the amount of \$35,038.31, was signed by H.F.D. Chief as Department Head, and the Village Board.

-NYS Department of Labor – Chief Starr reported he is finishing the required report.

For PESH compliance, a Right to Know Centerboard kit is required. Cost: \$85.97 (Vendor: Fastenal). **Approved by Village Board.**

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

Penflex, Inc. – Service Award Program – 2016 Data Request Package has been completed and submitted to the Village Clerk for filing. **Approved by Village Board.**

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

NYS Department of Labor – Notices of Violation and Order to Comply

RE: Hillburn Village Hall – Citation 1- Required Workplace Violence Policy

-Item 7 – Establishment of a Workplace Violence Policy Incident Report Policy - A draft Resolution and Incident Report Policy was supplied by Attorney Cassidy.

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

WHEREAS, the Village of Hillburn is required to comply with 12 N.Y.C.R.R Part 800.6, “Public Employer Workplace Violence Prevention Programs;”

WHEREAS, 12 N.Y.C.R.R. Part 800.6 (i) (1-5) requires that the Village maintain records of workplace violence incidents;

NOW THEREFORE, BE IT RESOLVED, that the Village of Hillburn Board of Trustees adopts the following policy:

1. Village Employees and Officials shall use the attached form to report any incidents of workplace violence. In the alternative, Village Employees may report incidents of violence to the Town of Ramapo Police Department – 845-357-2400.
2. Such forms shall be kept on file in Village Hall and are to be reviewed annually to determine if any patterns of workplace violence are evident and if mitigation measures are required.
3. The Village Clerk Treasurer shall notify all employees of this new policy immediately.
4. To the extent that this policy and 12 N.Y.C.R.R Part 800.6 conflicts, 12 N.Y.C.R.R. Part 800.6 shall control.
5. This policy shall be incorporated in to the Village of Hillburn Personnel Manual and the Village's written workplace violence prevention program.

Ayes: Craig M. Flanagan, Jr., Mayor
Bonnie R. O'Brien, Trustee

Noes: None

Absent: Eleanor J. DeGraw, Trustee

RESOLUTION was unanimously adopted.

-RE: Items 3, 4, 5, 6 - Attorney Cassidy reported inspections of the Village owned buildings are being made by the DPW Supt. and HFD Chief. She will be working with the Department Heads to identify potential risks at each respective building.

-RE: Land Use Law Center (LULA) – Land Use Leadership Alliance Training Program - 4 Sessions (April 7 & 21 and May 5 & 12) – Mayor Flanagan, Trustee DeGraw and ZBA Member Timothy Williams are registered to attend.

Village Engineer's Report – Engineer McCreedy not present. No Report.

Village Attorney's Report – Attorney Elizabeth Cassidy reported:

Village of Hillburn v. Losner - Attorney Cassidy reported a Motion for Summary Judgment was filed with the Court on 3/31/17. No further response has been received.

Rockland County MS4 Mapping Grant – Resolution (Revised Grant # Changed)

The Resolution adopted 3/16/17 reflected. NYS Contract #C00079GG. On 3/21/17 notification was received that the NYS DEC Grant number had changed to NYSDEC Contract C00386GG.

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw to adopt the Resolution reflecting the updated NYSDEC Contract C00386GG "Rockland County MS4 Grant"

Ayes: Mayor Flanagan, & Trustee O'Brien

Noes: None

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

The Village Board was in receipt of the Financial Report as of 3/28/17 from the Village Treasurer.

RE: Chief's Vehicle - Payment of the H.F.D. Chief's vehicle was authorized earlier in meeting.

RE: DPW Tractor – Mayor Flanagan reported he will be meeting with the DPW Supt. this week.

Verizon 10 Year Special Franchise Agreement – Expiration Date: Oct. 2017 –

RE: Double Poles – Supt. Conklin reported there has been no further activity by Verizon. Approx. 10 double poles remain.

Insurance 2016-2017

-The new H.F.D. Chief's Vehicle has been placed on the insurance policy.

NYS Municipal Workers' Compensation Alliance – Recommendations 2/17/17

The form was marked "Pending" and signed by Mayor Flanagan. The completed form will be returned.

Tax Certioraris – (2014, 2015, 2016) – Attorney Cassidy requested an Executive Session to discuss pending litigation. (held later in meeting)

2016 Master Plan Committee

-The meeting scheduled for April 1, 2017 has been cancelled. A new meeting date will be scheduled.

Zoning Board of Appeals –

SUEZ Water New York – Project: Ramapo Well #97 GWUDISW Improvements – Joint Public Hearing: 2/16/17 –

The ZBA Clerk reported that a meeting of the ZBA has been scheduled for Monday, 4/20/17.

Planning Board –

SUEZ Water New York – Project: Ramapo Well #97 GWUDISW Improvements – Joint Public Hearing: 2/16/17 – The Village Attorney had advised that due to the Planning Board lacked a quorum on 2/16/17, the Public Hearing must be rescheduled. Subsequently, the Planning Board will hold a Public Hearing on Thursday, 4/20/17.

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

-2016-2017 Fire Permits - Near completion.

-Property violations have been issued, including Stop Work Orders.

RE: 301 Route 17 – Unit #3 – Property Owner: Turnpike Management Assoc., Ltd. - The unauthorized tenant/occupant has been operating without required Planning Board Approval, Fire Permit and Certificate of Occupancy. Inspector Gordon reported this matter has been before the Hillburn Justice Court for a very long time and requested the Village Board to authorize the Village Attorney to seek an injunction to vacate the property.

-Mayor Flanagan questioned why the business cannot be shut down immediately. The court process could take an additional 6 months.

-Attorney Cassidy stated appropriate notice is required.

7:30PM - Public Hearing –Introductory Local Law #1, 2017 (Local Law to authorize a property tax levy in excess of the limit established in GML §3-c)

The Notice of Public Hearing, duly posted and published on 3/21/17, was read aloud by the Village Clerk-Treasurer.

Village Attorney Cassidy read Introductory Local Law #1, 2017 and summarized the purpose of the local law. At The local law would allow the Village, if necessary, to exceed the established tax cap.

The Public Hearing was opened for public comment.

Chevron Torres (54 5th Street) stated she did not understand the proposed local law.

-Attorney Cassidy explained the Village cannot override the NYS mandated tax cap unless a Local Law authorizing same is adopted.

With no further comments, the Public Hearing was closed.

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

WHEREAS, Introductory Local Law 1 of 2017, A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-C was introduced at the Village Board’s regular meeting held on February 28, 2017;

WHEREAS, a duly noticed public hearing was held on March 28, 2017 at 7:30 p.m.;

WHEREAS, the Village Board declared itself to be lead agency in accordance with the State Environmental Quality Review Act on February 28, 2017;

WHEREAS, the Village Board determined that the adoption of Local Law 1 of 2017 is a Type II action and no further environmental review is required;

NOW THEREFORE, BE IT RESOLVED that the Village Board of Trustees hereby adopts Introductory Local Law #1 of 2017 as local law #1 of 2017. Said Local Law will take effect immediately upon filing with the Secretary of State.

**Ayes: Craig M. Flanagan, Jr., Mayor
Bonnie R. O’Blenis, Trustee**

Noes: None

Absent: Eleanor J. DeGraw, Trustee

Resolution was unanimously adopted. (copy of Local Law #1, 2017 is attached)

Building/Fire Inspector’s Report (continued)

RE: 201 Route 59 - Bldg. B2 – Mayor Flanagan questioned if a Building Permit was issued for two doors in Bldg. B2. Inspector Gordon replied a Building Permit had been issued and it is in compliance.

Escrow

Status of Escrow Accounts Report @ 3/28/17 - The Village Board acknowledged receipt of the report as prepared and supplied by the Village Clerk-Treasurer.

RE: Piotr Pytel – Unauthorized Dumping of Fill – 33 Sixth Street - Escrow Balance: 120.50

A MOTION was made by Trustee O’Blenis and seconded by Mayor Flanagan to close out the escrow account and, upon the filing of a certified claim, a refund of the balance, in the amount of \$120.50, will be made to Piotr Pytel, as recommended by the Building/Fire Inspector.

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None

Senior Citizens – No report.

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

RE: Youth Center and 5th Street Recreation Field Maintenance - Request for playground clean-up and installation of new fibar (mulch); and repair of Youth Center steps. DPW Supt. to follow up with the requests.

Easter Egg Hunt – April 8, 2017 – 10:00AM – Preparations are being made.

2017 Summer Camp & Swim Program – Space is still available.

-Request for Bus Quotes:

Swim Program (5 Weeks beginning 7/10/17) – Mondays, Tuesdays and Thursdays

Camp Program Trips: Boulder Stadium, Pomona, Sportstime USA, Elmsford, NY, Splashdown Beach, Fishkill, NY, Rye Playland, Rye, NY, Rockland County Recycle, Hillburn, NY, Liberty Science Center, Jersey City, NJ, Palisades Mall (Movies), W. Nyack, NY.

-Summer Student Workers – Mayor Flanagan stated the Village will not be hiring Summer DPW Laborers this year. A notice for Summer Camp Counselor (Age: over 16) will be posted – deadline for filing: 5/31/17.

Hillburn Sewer Rebate Committee – Applications are still being accepted.

Attorney Cassidy recommended the Committee discuss other sewer related projects to be considered when all properties have been hooked up and all rebates have been issued.

2017 Tentative Assessment Roll –

RE: Action on 2 Pending Grievances – Tabled until later in meeting.

2017 Village Election – Tuesday, March 21, 2017 – The Village Clerk-Treasurer read the Statement of Canvass: (copy attached) Office of Mayor – Craig M. Flanagan, Jr. – Votes: 60; Office of Trustee – Eleanor J. DeGraw – Votes: 68; Office of Village Justice – Jerome Jefferson – Votes: 53.

2017 Hillburn Day – Committee Meeting scheduled: Friday, April 7, 2017 – 6:00PM – Youth Center. Notice will be sent to residents who signed up at the Village Office to volunteer.

Public Comments –

Tony Powell (121 Sixth St) questioned the protocol of Master Plan Committee Meetings (agenda and procedures). (to meet with Village Board)

The NYACK NAACP – 58th Annual Membership Renewal and Recruitment Dinner: 4/27/17. The Village Clerk-Treasurer reported reservations have been made for the Village Board.

Annual Organizational Meeting – Meeting will be held on Monday, 4/3/17 at 7:00PM in the Community Room.

Grants (Applications and Status)

SAM Grant - Village of Hillburn #7063 – HVAC System for Youth Center – No response has been received.

-Trustee O’Blenis stated she will go to Senator Carlucci’s office to inquire about the grant.

2017 Local Government Records Management Improvement Fund Grant (LGRMIF) Response pending.

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

-RC Clerk Paul Piperato – Waiver of fees for Peddler’s Licenses issued to Veterans.

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

Schedule of April 2017 Board Meetings: Tuesday, April 11th and April 25th. **Approved by Village Board.**

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None

As requested by the Village Attorney

A MOTION was made by Trustee O’Blenis and seconded by Mayor Flanagan to suspend the regular meeting at 7:45PM in order to hold an Executive Session to discuss pending litigation.

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None

A MOTION was made by Trustee O’Blenis and seconded by Mayor Flanagan to reopen the regular meeting at 8:00PM.

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None

2017 Tentative Assessment Roll –

Grievance filed by Khal Torah Chaim of Rockland —

A MOTION was made by Trustee O’Blenis and seconded by Mayor Flanagan that the following action be taken: Property I.D. - 47.18-1-10 and 47.14-1-8 be moved from Category 1(Taxable) to Category 8 (Exempt).

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None

A MOTION was made by Trustee O’Blenis and seconded by Mayor Flanagan that the 2017 Assessment be finalized by 4/1/17.

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None

A MOTION was made by Trustee O’Blenis and seconded by Mayor Flanagan to adjourn the meeting at 8:03PM.

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None