

VILLAGE OF HILLBURN  
Board of Trustees Meeting  
Tuesday, March 5, 2019– 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, March 5, 2019, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 7:00PM.

**PRESENT:** Craig M. Flanagan, Jr., Mayor  
Bonnie O’Blenis, Trustee  
Eleanor J. DeGraw, Trustee  
Richard Ellsworth, Village Attorney  
Thomas Conklin, DPW Superintendent

**ABSENT:** Eve Mancuso, Brooker Engineering  
(Schedule Conflict)

**RECORDER OF MINUTES:** Robin Miele, Clerk-Treasurer

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Meeting called to order by the Hon. Craig M. Flanagan, Mayor. Hillburn resident Carolyn Caccamo led in the Salute to the Flag.

**Minutes of the 2/20/19 Meeting – Approved by Village Board.**

Ayes: Deputy Mayor O’Blenis & DeGraw  
Noes: None  
Abstention: Mayor Flanagan (absent from meeting)

**Minutes of the 2/26/19 Special 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 –**

Ramapo Police Officers were present and reported the Village is quiet.

-Enforcement of Parking Restrictions during Snow Events – Supt. Conklin stated vehicles are still being parked on the street during snowstorms, making plowing difficult. He stated that he has called the Ramapo Police; however, only a few tickets are issued.

**DPW Report – Supt. Thomas Conklin**

Supt. Conklin reported on the retirement of DPW employee Fred Edwards, and stated he was an asset to the Village.

**Hillburn Clean-Up Day – 3/30/19 (Rain Date: 4/6/19) –**

-A flyer has been supplied by Keep Rockland Beautiful and will be posted.

-Spring Street Gourmet Deli - Quote for Refreshments Received 3/5/19: \$330.00. **Approved by Village Board.**

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

-Keep Rockland Beautiful – Request for Sponsorship – Supt. Conklin requested the Village Board’s approval to be a “Tote Bag Sponsor” at the cost of \$185.00. **Approved by Village Board.**

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

**RE: RC Health Dept. - 2019 Mosquito Control Service (Invoice #FFS019-2019)**

Location: 20 Fourth Street (Veterans Memorial Park Pond) – Cost: \$625.00. **Approved by Village Board.**

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

Street Repaving - Supt. Conklin reported he had contacted Tilcon for a quote to mill streets for a road repavement project.

Purchase of Chain Saw – Request to purchase a new chain saw from Pomona Mower not to exceed \$400.00. **Approved by Village Board.**

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

**Personnel – DPW Laborer Position**

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis that Nelson Scott be appointed to the full-time temporary position of DPW Laborer, effective 3/18/19, at the rate of \$18.00 per hour, subject to satisfactory completion of a physical.

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

**Request for Relief from Moratorium –**

-Applicant: 20 & 60 Torne Valley Road, LLC (Property I.D.: 47.15-2-11) – 3/1/19 Request for Waiver

The applicant’s attorney, Scott Albrecht was present and summarized the need for the waiver, inasmuch as the growth of the business has exceeded the capacity of the current building, creating the need for an ancillary building. The building would be used for the purpose of indoor parking of all 18 trucks in its fleet, as well as storage. This would allow their business, Salomone Redi-Mix, to operate at full capacity year-round.

-John Lynch of Salomone Redi-Mix addressed the Village Board and advised that the Village’s salt shed, presently located on the respective property, would be relocated inside the proposed new structure.

Attorney Ellsworth advised the Village Board that the applicant complies with the criteria required for a waiver from the moratorium.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Blenis that the request for a waiver from the moratorium filed by 20 & 60 Torne Valley Road, LLC be granted to allow the property owner to apply for a permit(s) to construct an ancillary building – 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'Blenis & DeGraw  
Noes: None

-Applicant: Noved Building Management (Property I.D.: 54.11-2-2, 3, 4, 5, 13, 14, 15, 16 and 17) - 11/27/18 Request for Waiver (Received 12/5/18 via email)

Attorney Ben Gailey, Village Special Counsel was not present.

The applicant was not present; nor was Attorney Ira Emanuel, Attorney for the Applicant.

The following Resolution was supplied by Deputy Mayor Bonnie O'Blenis and acted on:

**WHEREAS:** Noved Building Management (“Noved”) submitted its request to the Board of Trustees for relief from the Village’s moratorium on the processing of land use applications. The property is located off Creelman Road and identified as Tax Parcel Nos. Section 54.11, Block 2, Lots 2, 3, 4, 5, 13, 14, 15, 16 and 17. Noved made its request with the consent of the property owner, Douglas L. Van Schaik. Upon direction from the Board, through counsel, Noved submitted an environmental assessment form and a narrative explaining the purpose of its request and stated need for moratorium relief, in order to address the standards for relief set forth in the Village’s moratorium law. This submission included a list of property expenses, such lease payments, taxes, insurance and electricity. The Village, through counsel, requested additional information and clarification concerning Noved’s submission, including documentation of the claimed property expenses. In a letter submitted by Noved’s attorney at the Board’s February 20, 2019, meeting, Noved responded to the Village’s request, except it refused to provide property expenses documentation. At that meeting, Noved’s owner, William Cianciaruso, objected loudly, profanely and threateningly, to the Board’s request for additional information, which necessitated a call to the Town of Ramapo Police Department. Notwithstanding Noved’s objection, Noved, through its attorney, later provided documentation of property expenses.

**Therefore, the Board of Trustees resolves** as follows:

Pursuant to the Village’s moratorium law, Noved’s request for relief from the moratorium is a SEQR Unlisted action. The Board determines that granting moratorium relief will not cause a significant adverse environmental impact, because granting relief merely allows Noved to submit a site plan application to the Planning Board for review pursuant to the State Environmental Quality Review Act, the Village zoning law and other applicable laws. For that reason, to the extent that this Board’s SEQR determination may be considered segmented SEQR review, the Board finds that this SEQR determination is no less protective of the environment. The Board’s determination does not take into consideration Noved’s proposed uses of the subject property, which is a matter for determination by other Village boards and the Village Code Enforcement Officer.

The Board finds that the information submitted by Noved in support of its request for moratorium relief is adequate, and the Board hereby determines to grant Noved relief from the moratorium for the purpose of submitting a site plan application to the Planning Board and any other land use applications associated with the Planning Board application.

On a motion by Trustee Bonnie O'Blenis and seconded by Trustee Eleanor DeGraw, the foregoing resolution was adopted on a vote of 2 Ayes, 0 Nays, and 1 Abstention.

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

**HFD Report – Chief Shane Starr not present.** HFD Chief’s written report was addressed:

-The HFD responded to a serious accident on 2/11/19 in the area of 201 Route 59 that required extrication. Additional manpower was requested from Suffern and Tallman fire departments.

-State Line Fire & Safety, Inc. - 2/14/19 Quote: \$1,162.00 – (2) Hydraulic Hoses and complete service on all Jaws of life Equipment. **Approved by Village Board.**

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

-Hi-Tech Fire & Safety, Inc. – 2/18/19 Quote: \$3,719.29 – (1) Set of Gear, (6) Nomex Hoods, (4) Extrication Gloves and (5) Interior Gloves. **Approved by Village Board.**

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

-The phone and internet in the radio room are not working (issue will be addressed)

-Chief’s Car – The air horns and lights need repair (lights may be covered under warranty) Request to take the vehicle to Goosetown Communications in Congers. **Approved by Village Board.**

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

-2009 5-CFR – Inv. #113364: \$346.30 (PO #1870) – 2/14/19 Repair to Generator. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

**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 4<sup>th</sup> St. – 9/29/17 Approved upgrade still pending.

-3/1/19 Correspondence from O & R – RE: Required Security Deposit – RE: Flood Lights.

-Asst. Clerk-Treasurer Mary Boone will address matter with Trish Austin of O & R Utilities.

**-RealTerm Energy LED Street Light Proposal –**

WHEREAS, a review of the electricity charges that are paid by the Village government revealed an exorbitant amount, and

WHEREAS, a further review of LED electricity charges revealed a much lower amount, and

WHEREAS, the Village Board previously resolved to contract with REALTERM ENERGY to provide conversion of public street lighting to LED in Hillburn, New York the cost of which will be financed through

MUNICIPAL LEASING CONSULTANTS, and

WHEREAS, after a review of financing contingencies offered by REAL TERM ENERGY through MUNICIPAL LEASING CONSULTANTS, it was determined that the best financing option is for five (5) years financing as set forth in the MUNICIPAL LEASING CONSULTANTS proposal.

NOW THEREFORE, for all of the foregoing reasons, BE IT RESOLVED, that the Village Board of Trustees hereby authorizes the Mayor to execute an Agreement with MUNICIPAL LEASING CONSULTANTS for five (5) years financing as set forth in the MUNICIPAL LEASING CONSULTANTS proposal, which is annexed to and made a part of this Resolution.

The foregoing was moved by Trustee O’Blenis and seconded by Trustee DeGraw and was duly adopted by unanimous vote.

Ayes: Craig M. Flanagan, Jr., Mayor

Bonnie O’Blenis, Trustee

Eleanor DeGraw, Trustee

Noes: None

**Village Engineer’s Report** - Correspondence

NYS DEC - NFIP Community Assistance Visit – Purpose: To assess the effectiveness of the administration of local regulations adopted for participation in the National Flood Insurance Program (NFIP) – Engineer Mancuso is coordinating dates/times with David Sherman of the NYS DEC to accompany him on the tour of floodplains.

**Claims –**

**Approved by Village Board:** -Inv. #154140 – Hillburn General Engineering (Jan. 2019) \$ 640.00

-Inv. #154141 – Hillburn MS-4 Stormwater Mapping Grant \$ 707.00

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

**Village Attorney’s Report – Village Attorney Richard Ellsworth**

**Town of Ramapo – 2019 Agreement - Fire District #1 and Fire District #5**

Tabled at 2/20/19 Board Meeting due to receipt of amended Agreement(s) reflecting amended fee for Fire District #5 (additional \$20,000).

**NYS Firefighter Cancer Benefit Program** -No further information received.

**-Pending Litigation – Village of Hillburn v. Losner –**

Attorney Ellsworth reported he had appeared in Supreme Court on 2/26/19. Mr. Losner has not agreed to a date for the exterior and interior inspection of the property. The Building/Fire Inspector has advised that Mr. Losner has requested an extension of the existing Building Permit.

**RE: NYS Department of Labor – RE: Correspondence Received 2/6/19**

Attorney Ellsworth stated he had addressed the matter with the NYS Dept of Labor and will not be following up any further.

**Cablevision Franchise Fee Audit** – A meeting with representative(s) from Cablevision/Altice, MUNI and the Village is being scheduled. Tentative Date: 3/11/19 at 4:00PM.

**Application for Peddling and Soliciting License – Filed 1/30/19 - Applicant: Banks Dastins**

Purpose: Diddy’s New Taste of Fast Food

-Attorney Ellsworth stated no required information has been received from the applicant: Permission from the owner of the property where he proposes to park his food truck.

**Special Council – Jacobowitz and Gubits, LLP:**

**Appointment of Special Counsel – RE: Application to Planning Board**

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to appoint Jacobowitz and Gubits, LLP as Special Counsel to advise the Hillburn Planning Board regarding Noved Building Management.

Ayes: Trustees O’Blenis & DeGraw

Noes: None

Abstention: Mayor Flanagan

Voucher Claims:

The Village Board agreed that the following claims will remain tabled to determine if payment is covered by escrow:

- Pending Claim – Dated 2/13/19 - Inv. #277963 – Services Rendered 1/02/19 – 1/31/19) \$4,326.22 (Tabled 2/20/19)
- Pending Claim – Dated 12/17/18 - Inv. #277163– Noved Bldg Mgmt Land Use App: \$ 231.00 (Tabled 1/15/19)  
(Reason: No Application fee/No Escrow established)
- Pending Claim - Dated 1/17/19 - Inv. #277683 - Services Rendered (11/19/18–12/31/18) \$2,471.77 (Tabled 1/29/19)

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

Insurance

-2019-2020 Insurance Policy (Expires 4/15/19) – The Village’s insurance agent, Seeley & Durland, will be contacted regarding obtaining quotes.

-Comp Alliance – 1/1/18-12/31/18 NYS Assessment Reconciliation – Total 2019 Estimated Assessment Due: \$1,422.94

**Approved by Village Board.**

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

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

RE: Nelson Pope & Voorhis, LLC – 6/14/16 Contract Agreement – Estimated Fee: \$59,500

At 1/29/19, the estimated fee of \$59,500 has been claimed by Nelson Pope & Voorhis, LLC. A workshop meeting was held with Bonnie Francin of Nelson Pope & Voorhis, LLC today at 4:00PM to discuss the status of the Master Plan.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to increase the estimated fee reflected in the 6/14/16 Contract Agreement with Nelson Pope & Voorhis, LLC in the amount of \$10,000.

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

2019 Assessment Roll

The Final Assessment Roll will be prepared and filed by 4/1/19.

2019 Village Election – Tuesday, March 19, 2019

Everything is in place for the Election.

2016 Master Plan Committee –

Committee Secretary, Parquiris DeLeon, reported the scheduling of a meeting is still pending – Reason: waiting for comments from the Building/Fire Inspector.

2019-2020 Tentative Budget – Mayor Flanagan reported he is preparing the Tentative Budget.

Garbage Contract (Present 3 Year Contract Expires 5/31/19)

-Mayor Flanagan stated the matter will be addressed, including the possible purchase of a garbage truck to allow the Village DPW to collect garbage.

Zoning Board of Appeals – Next Meeting: 3/20/19.

Planning Board – Next meeting: 3/27/19

Building/Fire Inspector’s Report – Misc. correspondence was acknowledged.

Escrow - Status of Escrow Accounts Report @ 2/28/19 was supplied.

Senior Citizens –

-3/5/19 correspondence from RSVP (Retired and Senior Volunteer Program) – RE: Invitation to National Service Recognition Day – Tuesday 4/2/19 – Good Samaritan Hospital Auditorium

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

2019 Summer Camp Program

Trips:

Responses are pending from liberty Science Center and the Movies at the Palisades Center.

-Request for approval of a trip (Approval/Deposit needed in order to secure the date and price)

7/17/19 – Medieval Times: Total Cost (48 Participants, Inc. Counselors: 1,710.26 (20% Deposit Required)

**Approved by Village Board.**

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

Annual Easter Egg Hunt – Saturday, 4/13/19 (Rain Date: 4/20/19) - Request for \$200 for expenses. **Approved by Village Board.**

Ayes: Deputy Mayor O’Blenis & Trustee DeGraw  
 Noes: None

Michelle A. Noel Scholarship Fund – Request for authorization to use the Hillburn Youth Center on 5/4/18 to hold a Bingo fundraiser. **Approved by Village Board.**

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

Hillburn Sewer Committee

Trustee DeGraw reported that applications are still being accepted.

Public Comments –

**Bernadette Tarantino (33 Terrace Avenue)** commended the DPW Supt. and staff for the great job done during the recent snowstorm.

**Delores Hunter (15 Fox Hollow Road)** questioned the status of her concern filed regarding the need for security cameras in the Hillburn Post Office.

-Attorney Ellsworth replied that he had sent a letter to the Hillburn Postmaster requesting attendance at a Village Board meeting.

-Mayor Flanagan advised that the Ramapo Police have been requested to patrol the area.

-Ms. Hunter recommended a letter be sent to a higher authority in the Postal Service.

**Ms. Hunter** suggested two Clean-Up Days be held, with one being for the kids to compete for most garbage collected.

**Ms. Hunter** stated the need for sidewalks on the West Side of Route 17, most importantly on Sixth Street to the bus top.

-Mayor Flanagan stated that the installation of sidewalks had been proposed in the past; however, the residents were opposed at that time, as sidewalks would take a portion of their front yards. Matter can be revisited.

**Chevron Torres (53 Fifth Street)** stated that sidewalks installed in front of her home also took some of her property.

**Joseph Tursi (28 Terrace Avenue)** questioned the status of the law suit that requires the services of Special Counsel, Jacobowitz and Gubits and involves Mayor Flanagan.

-Attorney Ellsworth advised the Village Board not to discuss the matter.

**Carolyn Caccamo (27 Terrace Avenue)** questioned the following:

-4<sup>th</sup> Street Bridge Repair – Mayor Flanagan advised that the repair is the responsibility of Town of Ramapo and meetings have been held with the Town Supervisor regarding same.

-Veterans Memorial Park Pond – Mayor Flanagan advised that for the past few years, the Village has contracted with Princeton Hydro to treat the pond. To repair the pond would cost a lot of money.

-Terrace Avenue Traffic – Mrs. Caccamo stated she is not in favor of speed bumps. Mayor Flanagan advised that the installation of a “No Left Turn” sign at the intersection of Suffern Road and Route 17 is being reviewed.

-Attorney Ellsworth stated a Local Law and Public Hearing would be required.

**Trustee DeGraw** stated that the garbage that accumulates along Route 59 is from garbage trucks traveling to the recycling center on Torne Valley Road and is the responsibility of the NYS Highway Department.

**Mrs. Caccamo** stated the problem of dog owners who don't pick up dog waste.

**Vulfrano Lazcares (39A Seventh Street)** stated another issue is bags of dog waste are thrown into the gully area along Route 17.

**David Tarantino (33 Terrace Avenue)** questioned if any progress had been made in contacting the NYS DOT to place a sign on Route 59 by the 4<sup>th</sup> St. Bridge stating No-Thru Traffic. Stopping left hand turns onto Route 17 may redirect motorist to turn right onto Suffern Road during rush hour, causing traffic on other roads in the Village.

Mayor Flanagan advised that he will call the NYS DOT again, as he has not received any update.

**Chevron Torres** advised of an incident a few weeks ago involving the occupants of 275 Route 17.

-Mayor Flanagan stated he has spoken with the Ramapo Police who advised that they can only tell the boys to stay away from the road.

**Annual Reorganizational Meeting** – Monday, April 1, 2019 – 7:00PM in the Hillburn Community Room.

Attorney Ellsworth was excused from the meeting.

Application for Use of Community Room

-Yvonne Van Dunk – Thurs., 3/14/19 – 6:00PM – Ladies Aux Meeting (Approved)

-Bernadette Tarantino – Mon., 3/11/19 – 6:00-9:00PM - Hillburn Strong Party - Meet & Greet (Approved – Required: \$150 Fee & Insurance)

-Eleanor DeGraw – Sat., 3/16/19 – 2:00-5:00PM – Mayor Flanagan & Trustee DeGraw – Meet & Greet (Approved – Required: \$150 Fee & Insurance)

Ayes: Mayor Flanagan, Trustees O'Blenis & DeGraw

Noes: None

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

Laberge Group – Correspondence received 3/5/19 – RE: Town of Ramapo – town Board – Notice of Intent to be Lead Agency – future Land Use Generic Environmental Impact Statement & Northeast Ramapo Strategic Plan Project. The correspondence includes the Hillburn Youth Center and Hillburn Veterans Memorial Park. Objections must be sent in writing within 30 days. Copies were supplied to the Village Board, Village Attorney and Village Engineer.

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

A MOTION was made by Trustee DeGraw and seconded by Deputy Mayor O'Blenis to adjourn the meeting at 8:34PM.

Ayes: Mayor Flanagan, Trustees O'Blenis & DeGraw

Noes: None