

VILLAGE OF HILLBURN  
Board of Trustees Meeting  
Tuesday, May 24, 2016 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, May 24, 2016, 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  
Thomas M. Conklin, DPW Supt.  
Elizabeth K. Cassidy, Village Attorney

ABSENT: Bonnie R. O’Blenis, Trustee  
(Vacation)

RECORDER OF MINUTES: Mary Boone, Clerk-Treasurer

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Meeting was called to order by the Hon. Mayor Craig M. Flanagan, Jr.. H.F.D. Chief Shane Starr led in the Salute to the Flag.

**Three Year Garbage Contract (6/1/2016 – 5/31/19)**

Mr. Peter Menichetti was present at the meeting.

At the 5/10/16 meeting, the Village Board awarded the bid to Menichetti Carting, Inc. for a three (3) Year Garbage Collection Contract.

Attorney Cassidy presented the formal Agreement and same was signed by Mayor Flanagan on behalf of the Village of Hillburn and by Peter Menichetti on behalf of Menichetti Carting, Inc.

**Minutes of 5/10/16 Meeting - Approved by Village Board.**

Ayes: Mayor Flanagan & Trustee DeGraw  
Noes: None

**Minutes of 5/20/16 Workshop Meeting - Tabled Village Board.**

Ayes: Mayor Flanagan & Trustee DeGraw  
Noes: None

**Street & Water Commissioners Reports – Approved by Village Board.**

Ayes: Mayor Flanagan & Trustee DeGraw  
Noes: None

**Police Commissioner’s Report –**

Mayor Flanagan stated he was informed by the Ramapo Police that the Village has been quiet.

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

RE: Veterans Memorial Park Pond – A quote from Princeton Hydro is forthcoming. (water treatment)

RE: Purchase of Flags – A quote was submitted by Gates Flags and Banners for the purchase of 12 Flags (U.S. Flags and POW Flags) at the total cost of \$600.30. **Approved by Village Board.**

Ayes: Mayor Flanagan & Trustee DeGraw  
Noes: None

RE: Memorial Day Parade & Service – DPW Supt. Conklin confirmed he will be picking up the PA system from the Lighthouse Worship Center at 8:00AM on 5/30/16.

-Roads are being swept.

RE: Purchase of Water Department Supplies - 5/24/16 Quote – Carmel Winwater Company - \$1,262.04.

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan to approve the purchase of supplies for the Water Department from Carmel Winwater Company at a cost not to exceed \$1,300.00.

Ayes: Mayor Flanagan & Trustee DeGraw  
Noes: None

RE: Suez Water New York – Supt. Conklin reported National Metering Services, Inc., a contractor for Suez Water New York, tested the meters located on 4<sup>th</sup> Street and Route 17 last week. Although these meters were replaced in January 2016, Suez Water New York will be replacing them again. Scheduling of date is pending.

**HFD Report – Chief Shane Starr reported:**

-Search & Rescue and Extraction drills have been done with Tallman and Suffern over the last few weeks.

-The H.F.D. responded to a serious accident on I-287 last week.

-A quote will be obtained and submitted for Safety Vests for the H.F.D. members to wear when responding to calls on the highways.

-Recruitment of Members – H.F.D. members walked throughout the Village to recruit residents to join the H.F.D. Chief Starr requested a notice regarding joining the H.F.D. be placed on the Village Board.

-Chief Starr thanked the Village Board for providing the laptop computer and the gas meter.

-5/10/16 Backflow Test – Ramapo Waste Waster Treatment Plant – A copy of the Test Report (previously supplied to the Village Board, DPW Supt. and Village Engineer) will be supplied to the H.F.D. Chief.

**Village Engineer’s Report – Engineer McCreedy not present.**

**RE: Youth Center Drop Off Improvements**

-Brooker Engineering submitted a Budget Estimate Summary and Plans on 5/20/16. **Tabled by Village Board.**

Ayes: Mayor Flanagan & Trustee DeGraw

Noes: None

**-5/10/16 Claim from Brooker Engineering -**

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan to authorize payment of the 5/10/16 claim of Brooker Engineering for preparation of Budget Estimate and Plans for the Youth Center Drop Off Improvement Project, in the amount of \$3,487.64.

Ayes: Mayor Flanagan & Trustee DeGraw

Noes: None

**Community Development –**

**2015 CD Program – Project: “After School Program 2015-2016”** – The two claims filed with Community Development has been returned. The claims will not be processed until the CD Office receives the required income documentation. Mayor Flanagan requested the Village Attorney to draft a third letter to parents of participants in the 2016 After School Program.

**Village Attorney’s Report –**

**Unsafe Structure 53 6<sup>th</sup> Street** – The Village commenced condemnation proceedings under Article 88 of the Village Code. There has been no response to notices supplied to the property owner and lien holder. Subsequently, an inspection by an Engineer and an Architect is needed.

**RE: Proposal submitted by Brooker Engineering for the Inspection of 53 Sixth Street in the amount of \$1,000.00**

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan to accept the proposal submitted by Brooker Engineering, in the amount of \$1,000.00, to perform the following:

- Evaluate the existing structure at 53 Sixth Street to assess if building is in structural disrepair.
- The field assessment will be provided by a professional representative from Brooker Engineer as well as a professional representative of Aufgang Architects.
- Written verification of the evaluation will be provided upon completion of the field inspection.

Ayes: Mayor Flanagan & Trustee DeGraw

Noes: None

**Property Maintenance – Overgrown Grass**

The following **RESOLUTION** was offered by Trustee DeGraw and seconded by Mayor Flanagan who moved its adoption:

**WHEREAS**, the Code Enforcement Officer has advised the Village Board indicating that the following properties have overgrown grass.

Address	Tax ID
53 Sixth Street	47.18-3-61
53 Rockland Avenue	47.14-2-21
32 Second Street	47.14-2-4

**WHEREAS**, the Village Building Fire Inspector sent a letter to each property owner on May 12, 2016.

**WHEREAS**, grass in excess of 10 inches violates § 302.4 of the Property Maintenance Chapter of the New York State Building Code and violates Chapter 184 of the Village of Hillburn Village Code;

**WHEREAS**, excess growth of weeds and plant growth creates a health hazard to neighboring property owners in that it allows mosquitoes and other vermin to flourish, and

**WHEREAS**, the owner of the above properties have refused to cut the weeds and plant growth and secure the building, despite written requests, and

**WHEREAS**, the Village Board desires to have the above properties mowed by the Village and have the cost be charged to the owner of the property.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Hillburn that based upon the above, the condition of the above properties create a public health nuisance which must be corrected immediately;

**BE IT FURTHER RESOLVED** that the Village of Hillburn Department of Public Works is hereby authorized to mow the above properties if they have not been mowed by June 7, 2016; and

**BE IT FURTHER RESOLVED** that the Village Attorney or Code Enforcement Officer shall transmit a copy of this resolution to each property owner of the properties listed above if the property owner has not cut the grass prior to today’s date.

**BE IT FURTHER RESOLVED** that the Village Assessor is hereby authorized to assess the cost of the above mowing as a lien against the above property in accordance with Chapter 184 of the Village of Hillburn Village Code.

Ayes: Craig M. Flanagan, Jr., Mayor  
Eleanor J. DeGraw, Trustee

Noes: None

Absent: Bonnie R. O’Blenis, Trustee

**RESOLUTION** was unanimously adopted.

**Vacant “Zombie” Property** – Attorney Cassidy is working with the Building/Fire Inspector to determine the responsible property owner of the properties and require proper maintenance.

**Tax Certioraris – Special Legal Counsel -Rebecca Speno - Retainer Agreement**

-At the 5/10/16 meeting, the Village accepted 4/26/16 Retainer Agreement submitted by Rebecca Speno to provide special legal counsel for pending Tax Certiorari matters. The Retainer Agreement was presented for signature by Mayor Flanagan, along with authorization for the Village’s files to be transferred from BOND Schoeneck & King to Rebecca Speno.

**Verizon 10 Year Special Franchise Agreement – Expiration Date: October 2017** – The Village Board authorized Attorney Cassidy to reach out to Verizon and schedule a meeting for either June 14 or 28, 2016 at 6:00PM (prior to the scheduled Village Board meeting)

-The Village Clerk reported on the 5/5/16 correspondence received from Cohen Law Group in which they offer their services regarding the Renewal of the Special Franchise Agreement, including a free legal assessment of the Village’s current franchise agreement. Attorney Cassidy will review same.

**Resolution to Accept Donation from 20 & 60 Torne Valley Road, LLC to Use Premises for Municipal Salt Shed**

The following **RESOLUTION** was offered by Trustee DeGraw and seconded by Mayor Flanagan who moved its adoption:

**WHEREAS**, 20 & 60 Torne Valley Road, LLC (hereinafter “Landlord”) owns real property located 20 & 60 Torne Valley Road, Village of Hillburn;

**WHEREAS**, Landlord has offered to donate a portion of its real property in the form of a month to month lease to the Village to allow for the storage of the Village’s salt supply;

**WHEREAS**, although the Village Zoning code does not require the Village to obtain zoning approvals for municipal uses within its territory, the Village Board must evaluate whether the proposed use is exempt from local zoning regulations based on the “balancing of interests” test as set forth in *Matter of County of Monroe v. City of Rochester*, 72 N.Y.2d 338 (1988) which is as follows:

1. the nature and scope of the instrumentality seeking immunity;
2. the encroaching government’s legislative grant of authority;
3. the kind of function or land use involved;
4. the effect of local land use regulations would have upon the enterprise concerned;
5. alternative locations for the facility in less restrictive zoning areas;
6. the impact upon legitimate local interests;
7. alternative methods of providing the proposed improvement;
8. the extent of the public interest to be served by the improvements;
9. intergovernmental participation in the project development process and an opportunity to be heard

**WHEREAS**, after discussion, the Village Board has made the following findings:

The proposed project is for the Village of Hillburn which has the exclusive control over zoning within its territorial jurisdiction pursuant to State and Local Law. The salt shed serves strictly a municipal use and is located in the least restrictive zoning district in the Village of Hillburn. Relocating the salt shed will have a favorable impact by removing the need for trucks to be operating in close proximity to residential properties. It is expected that the noise from these trucks, which often occurs late at night, will be significantly reduced. While there may be other locations suitable for a salt shed, those locations would likely incur significant additional cost to the Village and its taxpayers.

**NOW THEREFORE, BE IT RESOLVED** that the Village of Hillburn declares itself to be lead agency pursuant to the State Environmental Quality Review Act and further declares that this is an unlisted action that will not result in adverse environmental impacts.

**BE IT FURTHER RESOLVED** that after applying the balancing of interest test as required by *Matter of County of Monroe v. City of Rochester*, the Village Board hereby determines that the salt shed is not subject to the Village of Hillburn Zoning Code and by virtue of the foregoing, site plan or special permit approval is not required;

**BE IT FURTHER RESOLVED** that the Village of Hillburn accepts, with its grateful thanks, the proposed lease from Landlord subject to the salt shed complying with the New York State Building Code.

**BE IT FURTHER RESOLVED**, that in the event that the salt shed ceases to be used by the Village of Hillburn, Landlord or its successor shall obtain any necessary approvals before commencing an alternate use of the structure.

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

**RESOLUTION** was unanimously adopted.

Proposed Lease will be addressed at the next meeting of the Village Board.

**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 reported she had appeared in the RC Supreme Court on 5/10/16 for a Preliminary Hearing, at which time Judge Eisenpress granted the property owner's request for a Stay, allowing Stonework Estates to continue to do the work outlined in the 2006 Rock Removal Plan. If any work commences that is outside of the scope of the 2006 Rock Removal Plan, a Stop Work Order will be issued by the Building/Fire Inspector. Attorney Cassidy has filed a Motion to Dismiss a portion of the claims listed in the Petition.

**General Code Update** – As approved at the 5/10/16 Board Meeting, the Estimated Quote received 4/27/16, as noted and signed by Mayor Flanagan, was faxed to General Code. A response is pending.

**Municipal Audit Services, LLC – RE: Gross Receipts Taxes and Franchise Fees**

A representative of Municipal Audit Services, LLC will be present at the 6/28/16 Village Board Meeting.

**RE: 2016-2017 LGRMIF Application** – The application was submitted on 3/14/16. No response as of this date.

**Insurance – April 2016 – April 2017 (Policies Received)**

RE: NYS Insurance Fund Workmen's Compensation for Fire Department – The Village Clerk stated the H.F.D. now covers Town of Ramapo Fire Districts 1 and 5; however, information is still needed regarding the boundaries of District 5. (Audit is scheduled for 5/27/16 by the NYS Insurance Fund)

-H.F.D. Chief Starr stated he has not seen any maps.

-Attorney Cassidy stated she has a list of Section/Block/Lot numbers covered in District #5.

-Chief Starr confirmed the properties in District #5 are vacant. Chief Starr recommended contacting Chris Jenson at the RC Fire Training Center to obtain a map.

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

At the 5/20/16 Special Board Meeting, a conference call between the Village Board and Rebecca Speno was held. The Board authorized an expenditure not to exceed \$5,000.00 for the appraisal of the following properties:

<u>Property ID</u>	<u>Record Owner</u>	<u>Address</u>
847-19-2-2	TBS Realty Mgmt, LLC.	201 Route 59
47.15-1-4	Realty Mgmt/Hillburn Park Corp.	143 Route 59
47.14-2-1	Fujita, Tokuaki & Kazue	296 Route 17

RE: A.F.K.O.S. – The Village Clerk-Treasurer reported the Village has not received a signed Stipulation from the Judge. Further, they have not complied with items listed in the Stipulation.

**2016 Tax Warrant** –

-The Tax Warrant was adjusted, pursuant to the generation of the Tax Roll. Same was duly signed by the Village Board.

-Tax Bills will be mailed June 1, 2016.

**Zoning Board of Appeals** – No report.

**Planning Board** –

-Attorney Cassidy reported Pam Richardson attended the 5/19/16 meeting in her absence. Agenda Item: 301 Route 17.

-Appointment of a Planning Board member is pending.

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

-Inspector Gordon has supplied Certificates pertaining to classes he has attended (annual requirement).

-NYS Code Books have been received at no cost to the Village.

**Escrow Accounts – Village Clerk-Treasurer reported:**

Status of Escrow Accounts Report @ 5/24/16 - Supplied to the Village Board by the Clerk-Treasurer.

RE: Stoneworks Estates, Inc. – Letters have been sent to the property owner/applicant regarding escrow balances.

**Senior Citizens** – Vice President, Diana DeGroat, reported:

-At the 5/16/16 meeting, a game of "What's My Line" was enjoyed by all.

-The Seniors enjoyed the 5/18/16 Trip to New York City to see the Off-Broadway Show "Tunnel of Love" and Dinner.

**Recreation** – A written Report was provided. Trustee DeGraw read same.

Things are going well at the Youth Center.

**2016 Summer Camp & Swim Program** –

-Craft Order – Total Amount: \$1,037.74. **Approved by Village Board.**

Ayes: Mayor Flanagan & Trustee DeGraw

Noes: None

-CPR Class – Angela Flanagan, Marty Perrano & Autumn Mann are scheduled to attend a CPR class on Sat., 5/28/16.

-Swim Program – Town of Ramapo Registration Fee – Village's Share: \$15.00 Per \*Registrant (\*Must have registered through Village of Hillburn - Hillburn residents only) **Approved by Village Board.**

Ayes: Mayor Flanagan & Trustee DeGraw

Noes: None

**Trip to Provident Bank Park – Cuban National Baseball Team – 6/24/16** – 25 Tickets have been sold at this date.

Fall Festival – Request to hold the event on 10/1/16.

- Chief Starr advised that the H.F.D. will hold its Annual Dinner on 10/1/16, honoring Ex-Chief Ed Kelly, Jr.
- Date for the Fall Festival was tabled.

After School Program – Due to several Recreation Aides will be attending the Suffern High School Graduation on 6/23/16; coverage will be needed for the After School Program from 4:00PM-6:00PM.

- Correspondence from Radio City Music Hall was supplied to the Recreation Program Director.

Hillburn Sewer Rebate Committee – Applications are still being accepted.

### Public Comments

**Chevron Torres (54 5<sup>th</sup> St.)** stated her concern regarding taxpayers' money going towards cleaning up dog waste.

- Children At Play signs are needed on 5<sup>th</sup> Street.

-A light on the RCSD Administrative Offices is very bright and shines on her backyard.

-**Shane Starr** stated the bulb was recently changed to a high energy bulb and he had requested the RCSD to tilt the light down, as it also shines on his property.

- Mayor Flanagan requested DPW Supt. to contact the RCSD regarding same.

**Patricia Van Dunk (23 Mountain Avenue)** questioned a letter from the Building/Fire Inspector regarding the construction at 20 & 60 Torne Valley Road (Salamone Bros.).

- Attorney Cassidy stated the building must be equipped with an alarm system and the salt shed must comply with the Building Code.

**Mrs. Van Dunk** questioned the Youth Center Drop Off Improvement Project inasmuch as:

- Would the gate at the Youth Center be taken down?

-Have other villages/schools been contacted regarding the availability of the Recreation Field?

-Is the proposed turn-around going to take away the Recreation Field?

-Has the owner of the bus company agreed to take a bus to the Youth Center?

Mayor Flanagan stated that, if the Village does move forward with the project, the gate would be removed. The use of the Recreation Field by out-of-town organizations is hindered by the lack of parking area. A portion of the Recreation Field would be used for the proposed turnaround. The Village Engineer has reached out to the school regarding bringing a bus to the Youth Center.

**Chevron Torres** stated she has witnessed tractor trailers on 5<sup>th</sup> Street travelling towards the Youth Center and having to back down.

- A discussion was held regarding the GPS system which sends vehicles to incorrect routes; and the recommendation of a Dead End sign being placed on 5<sup>th</sup> Street.

**Diana DeGroat (173 6<sup>th</sup> Street)** questioned the validity of a rumor regarding the installation of speed bumps on the west side of Route 17.

(Mayor Flanagan stated there are no plans for speed bumps)

-**Mrs. DeGroat** recommended that a notice be posted advising residents of the RC Court decision to allow Stonework Estates to continue working while the case is being determined.

(Attorney Cassidy will draft a notice)

-**Mrs. DeGroat** questioned the status of the tree company dumping wood beyond the 6<sup>th</sup> Street gate that she reported on at the 5/10/16 Village Board meeting.

(Mayor Flanagan stated he has advised the company that they can no longer dump wood in the area)

**Chevron Torres** reported she has noticed two mini vans driving very fast up to the Youth Center.

(Mayor Flanagan requested he will look into the matter, and suggested Mrs. Torres obtain the license plate numbers)

### Use of Village Property – Veterans Memorial Park

Applicant: Sherri Van Dunk - Date/Time: Sat., 6/25/16 – 3:00PM / Purpose: Wedding

Approved by Village Board on 4/26/16, subject to receipt of Certificate of Insurance and \$150.00 fee. (Certificate of Insurance has been received)

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan to waive the \$150.00 fee, since the use of the park will only be for approximately 20 minutes; and the applicant's mother is a longtime member of the Hillburn Ladies Auxiliary.

Ayes: Mayor Flanagan & Trustee DeGraw

Noes: None

### Request for Use of Hillburn Community Room

-Applicant: David Farrison, Chair - Hillburn Scholarship Committee

Date/Time: Wed., 5/23/16 / 7:00PM / Purpose: Hillburn Scholarship Committee Meeting. **Ratified by Village Board**

Ayes: Mayor Flanagan & Trustees DeGraw

Noes: None

-The Scholarship Committee will be holding the Award Ceremony on 6/11/16 in the Hillburn Community Room.

Correspondence – The Village Board acknowledged receipt of correspondence, including:

- David Farrison – Letter of thanks to the Village of Hillburn for its assistance – RE: 5/15/16 Hillburn School Historic Site Dedication Ceremony.

- NYS Office of Real Property Tax Services – Tentative 2016 Equalization Rate: 18.28.
- RC Conference of Mayors – 5/31/16 Meeting. (Mayor Flanagan will be in attendance)
- New York State Deferred Compensation Plan – 5/20/16 correspondence – RE: State sponsored voluntary retirement savings plan. Request to be placed on Village Board meeting agenda. (date to be determined)
- The Ducey Agency – New Service: Certified Playground Safety Inspections of playground equipment.

**IMA Technologies – Proposal for Purchase of LaserFiche Software** – A meeting date for a representative of IMA Technologies to attend will be scheduled.

**RE: Request for Installation of Street Light in the area of 76 6<sup>th</sup> Street** – Application finalized.

**RE: NYS Archives Workshop** – Village Office staff, Robin Miele & Yvonne Van Dunk, attended the workshop entitled “Email Essentials” on 5/20/16 at the Mamakating Town Hall, Wurtsboro, NY.

**RE: RC Personnel – Reclassification**

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan authorizing the reclassification of Thomas Conklin as Motor Equipment Operator II & Maintenance Supervisor and FURTHER, the required forms will be sent to the RC Personnel Dept. for approval.

Ayes: Mayor Flanagan & Trustees DeGraw

Noes: None

**RE: Unused Vacation at 5/31/16**

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan authorizing the carry-over of unused vacation @ 5/31/16 to the fiscal year 2016-2017.

Ayes: Mayor Flanagan & Trustees DeGraw

Noes: None

**RE: New Overtime Rules Released by the Federal Department of Labor Effective 12/1/16** – Correspondence received from Greenwald Doherty, LLP. (Village Board and Village Attorney were supplied with copies)

**Student Applications: Summer Camp & Swim Aides**

**RE: Summer Schedule:** Orianna Lee and Alyssa Flanagan (presently Recreation Aides for the After School Program)

Orianna Lee: Office Worker (9:00AM – 12:30PM) Recreation Aide for Swim Program

Alyssa Flanagan: Recreation Aide for the 2016 Camp & Swim Program

**Approved by Village Board.**

Ayes: Mayor Flanagan & Trustee DeGraw

Noes: None

**Application filed by Nicholas Cirruzzo**

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan to appoint Nicholas Cirruzzo to the seasonal position of 2016 Camp and Swim Program at the hourly rate of \$9.00/hour.

Ayes: Mayor Flanagan & Trustees DeGraw

Noes: None

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

A MOTION was made by Trustee DeGraw seconded by Mayor Flanagan to adjourn the meeting at 8:52PM.

Ayes: Mayor Flanagan & Trustees DeGraw s

Noes: None