

**VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, August 11, 2015 – 7:00PM**

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, August 11, 2015, 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.

RECORDER OF MINUTES: Mary Boone, Clerk-Treasurer

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6:45PM (Prior to Regular Meeting)

Representatives of Warwick Resource Group, John W. Sanford III & Kenneth R. Andrews addressed the Village Board
RE: New Volunteer Ambulance Workers Benefits Law (VFBL/VAWBL) “Good Samaritan” Legislation.

The purpose of the new legislation was explained, inasmuch as providing coverage for volunteer firefighters when they volunteer at an out-of-district accident scene before an officer in charge accepts their services. In order for the volunteer firefighter to be entitled to coverage under the VFBL of the Village in such an event, the Village Board must pass a Resolution authorizing same.

-Mayor Flanagan thanked Mr. Sanford and Mr. Andrews for the presentation. The matter will be further reviewed by the Village Board.

7:00PM Meeting was called to order by the Hon. Mayor Craig M. Flanagan, Jr. DPW Supt. Conklin led in the Salute to the Flag.

Minutes of 7/27/15 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

Mayor Flanagan acknowledged the presence of Town of Ramapo Police Captain Weidel.

-Captain Weidel stated he is representing Chief Brower. In response to the Mayor’s concern regarding enforcement of the Stop Sign at 4th Street & Terrace Avenue; speeding on 4th Street from the bridge to Mountain Avenue; and police visibility on the west side of Route 17, Captain Weidel assured that Ramapo Police Officers are vigilant and have been writing tickets. Two additional “speed trailers” have been obtained by the Ramapo Police Department and he will make arrangements to have Hillburn placed on the schedule.

-Captain Weidel asked the residents present if they had any concerns.

-Chevy Torres stated vehicles, including the TOR Bus, continually run the Stop sign at Mountain Ave. & 5th St.

-Lewis Dennison stated cars speed on 6th Street in the area of his home (119 6th Street).

Captain Weidel stated he would follow up on these matters, including the TOR bus.

-Mayor Flanagan thanked Captain Weidel for coming to the Board Meeting. (Captain Weidel left the meeting)

DPW Report – DPW Supt. Thomas Conklin reported:

-2015 Seasonal Workers – Friday is the last day for the two workers who did a great job.

-The DPW has been busy repairing storm drains.

-Blacktop will be installed soon in needed areas.

-Many requests for mark-outs have been received and completed.

-Tires for 2008 F350 Truck -Additional quotes are being obtained.

-CHIPS – The Clerk-Treasurer reported the deadline for filing for reimbursement of expenditures (4/15/15-8/6/15) is 8/14/15. Note: No related expenditures.

Naming of Youth Center – “Michelle A. Noel Youth Center” – RESOLUTION was presented and read by Attorney Cassidy (copy to be supplied)

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

Resolution:

Quote from the “Sign Shop”, Sloatsburg, NY - Building Lettering (Provided & Installed): \$1,775.12.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the quote from the Sign Shop to provide and install the lettering on the Youth Center to read “Michelle A. Noel” in the amount of \$1,775.12 and

FURTHER, a 50% deposit, in the amount of \$887.56, is hereby authorized.

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

H.F.D. - Chief Edward Kelly Jr. not present.

-DPW Supt. Conklin reported that the 5-Quad is ready and will be picked up tomorrow morning.

Mayor Flanagan read Chief Kelly's written report.

RE: NYS DEC – 2015 Volunteer Fire Assistance (VFA) Grant Program – \$1,500 Matching Grant Award – Chief Kelly submitted the two quotes for fire gear/equipment.

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw to authorize the purchase of various fire gear/equipment:

Vendor: FirstDue Fire Equipment:	\$ 906.21	
Vendor: Wildand Warehouse:	<u>2,094.91</u>	+ Shipping
	<u>\$3,001.12</u>	

and FURTHER, \$1,500 of the cost will be submitted for reimbursement through the NYS DEC 2015 Volunteer Fire Assistance Grant Program and the balance will be funded through the General Fund.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

RE: Request to take (2) Trucks to the County Parade in West Haverstraw on 9/19/15 **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

RE: Servicing of Trucks

-5-Quad is still in service center for Detroit engines.

-Chief's Truck – Scheduled for repair at Mahwah Ford on 8/17/15.

RE: AT & T Phone Service – The H.F.D. Chief provided a letter to disconnect the AT & T phone service (#368-8171)

-The Village Clerk stated that research had been done and confirmation had been obtained by Nelson Hadley (previous Supt. of Fire Alarms), 44-Control and Electrolock (current security system contractor) that the phone service is no longer needed for the Mutual Aid System.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien that based on the information received, the AT & T phone service Acct. #030-466-9724-001 at the H.F.D. building be disconnected.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

LOSAP – Correspondence from RBC Wealth Mgmt - Mayor is following up on same.

Community Development –

2015 CD Program– 6/15/15 Award: \$25,000 – Project: "After School Program 2015-2016". Receipt of Formal Agreement is pending.

Village Attorney's Report

RE: NYSER Calendars – The Village Board was reminded to submit calendars.

RE: Draft Comprehensive Plan –

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien authorizing the Village Attorney to prepare and send out RFP's for the services of a Planner to assist in the preparation of a Comprehensive Plan..

Approved by Village Board.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

2015 Tax Certioraris

Attorney Cassidy reported she is working with the Village's special counsel, Bond, Schoeneck & King, to negotiate reasonable settlements.

RE: United Water New York – Attorney Cassidy appeared in Court last week regarding this matter.

Zoning Board of Appeals –

RE: 11/9/12 Application of Kristian Matthews/Hillburn Granite – 7/27/15 letter from Attorney Harvey Barr on behalf of Hillburn Granite - Request to withdraw the 11/9/12 application - The ZBA Clerk reported that at the 7/28/15 meeting the withdrawal request was formally accepted by the ZBA and the 1/9/13 Public Hearing was declared closed.

Planning Board – A meeting was held on 7/16/15.

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

Attorney Cassidy stated she is working with the Building/Fire Inspector to streamline the Certificate of Occupancy process for commercial properties.

RE: Knox Box for Fire Dept. – Inspector Gordon provided a memo to the Village Board recommending the purchase and installation of a Mutual Aid Knox Box on the H.F.D. Building from the Knox Company at the total cost of \$316.00.

Approved by Village Board.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

Escrow Accounts

-A Status of Escrow Accounts Report @ 7/31/15 was supplied to the Village Board by the Clerk-Treasurer.

United Water New York (65 Rte 59)– Escrow Est. 10/30/14 -Floodplain Devel. Permit Appli.+ 2/17/15 Bldg Permit Reviews/Preparation Property I.D. #47.15-1-1 65 (Escrow to Cover Reviews by Bldg/Fire Insp. & Engineer)

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien authorizing payment of the 8/4/15 claim filed by Spence Engineering in the amount of \$551.25.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

Salomone Bros., Inc. - Escrow for Pending Building Permit - Special Permit/Site Plan Approval by Planning Board

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw that as a condition of a Building Permit, Salomone Bros. Inc. be required to establish an escrow account in the amount of \$7,780.00 to cover the required inspections of the Building/Fire Inspector and Village Engineer

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

Fireplaces by Design, Inc. (120 Route 59) – 3/09/15 – Application to Zoning Board of Appeals

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien that, as recommended by the Zoning Board of Appeals, the following escrow account be closed out.

Fireplaces by Design, Inc.- Escrow Established 03/09/15 – Balance @ 7/31/15: \$655.00

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

Senior Citizens – President, Judi Starr, not present (attending Senior Citizens Trip to Hunterdon Hills Playhouse).
-The Senior Citizens' 40th Anniversary Picnic will be held on 8/16/15 from 10:00AM – 6:00PM at Krucker's.

Recreation – Trustee O'Brien read the written Report.

2015 Summer Camp & Swim Program – Camp is winding down. Trip to Rye Playland is scheduled for 8/12/15 and a Carnival Day is planned for the last day of Camp, 8/14/15.

Fall Festival – October 10, 2015 (Rain Date: 10/17/15) – Request for Funding: \$1,500.00 (Activities, Band, Pumpkins, Hay & Cornstalks) **Approved by Village Board.**

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

2015-2016 After School Program – Proposed Fees, Registration & Schedule:

-Registration Fees: Residents: \$275.00; Non-Residents: \$375.00.

-Registration Dates: Residents: 8/24 & 8/25/15 (12:00noon – 6:00PM); Non-Residents: 8/26/15 (3:00PM – 6:00PM)

-Program Schedule – In accordance with 2015-16 School Calendar – Half Days: Open 11:00AM-6:00PM; Closed on all major holidays except 9/14, 9/15 (Rosh Hashana) & 9/23 (Yom Kippur) open for 9:00AM-5:00PM. (dates subject to change)

Approved by Village Board.

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

Recreation Aide Position – The Village Board authorized a notice to be posted to fill the position of Recreation Aide for the After School Program. Deadline to file application: 8/27/15.

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

2015 Hillburn Day – August 1, 2015

Mayor Flanagan reported the day was a success.

-The Clerk-Treasurer reported a detailed Financial Report is being prepared. (monies have been received from the Hillburn Day Committee)

Public Comments –

Walter Johnson (27 Hickory Ave.) questioned the Mayor regarding the 7/27/15 workshop where he stated he was in support of closing down the “quarry”.

-Mayor Flanagan replied that the Village Attorney and Village Engineer are reviewing the matter to determine if Stoneworks Estates is operating in compliance. A report will be compiled.

Carolyn Torino (169 Sixth St) stated she had spoken to someone at the facility at 275 Route 17 (AFKOS) regarding the trash strewn all over the property. Although the trash was picked up, three days later there was more trash on the property and it is an eyesore.

-Mayor Flanagan stated the matter is before the Hillburn Court.

-Attorney Cassidy will follow up on matter.

Lisa Jennings (120 6th St) questioned the timeline for completion of the report regarding Stoneworks Estates.

-Mayor Flanagan stated there is no timeline. The public would be provided with the information as soon as it is available.

-Attorney Cassidy advised there are other agencies involved, such as the NYS DEC and RC Planning Dept.

Justin Devendorf - Senator Carlucci's Office stated concerned citizens had contacted Senator Carlucci's office regarding the Stoneworks Estates. He requested to be kept abreast of the status.

-Mayor Flanagan stated he has also spoken with Assemblywoman Jaffee and he will keep everyone updated.

Tony Powell (121 6th St) questioned if quarrying is still prohibited in the Village.

-Attorney Cassidy stated the Village Code is very fact specific and does not precisely prohibit quarries.

Lisa Jennings stated/quoted a portion of the Zoning Law and stated it should not matter if the word “quarry” is not used.

Dwaine Perry (13 Boulder Ave) stated the RC Board of Health should inspect the Stoneworks project and issue summonses for health and safety concerns.

-Mr. Perry questioned how the Village can sell a rock to Kristian Matthews/Stoneworks Estates; however, cannot sell him a piece of property to use for parking. He feels there is a disparity of his property value since he has no driveway.

-Mayor Flanagan responded the rock was not sold, Mr. Matthews made a donation to Hillburn Day and the Michelle A. Noel Scholarship. Complaints regarding assessed property values must be handled through the Tax Grievance process.

Pat Osterhoudt (159 Sixth St) stated she is here on behalf of the Brook Presbyterian Church which is desperately in need of funding and/or assistance with building repairs. Anyone interested in helping out can come to the Church on Sunday, 8/16/15 at approx. 12:15PM.

Pat Maglione (12 Brook St) stated he has witnessed the large amount of garbage on the property located at 275 Rte 17.
-Mr. Maglione questioned why a Stop Work Order cannot be issued to Stoneworks Estates.
-Mayor Flanagan stated that appropriate action will be taken when the review is complete and all facts are in order.

Tony Powell questioned what a reasonable timetable would be.
-Mayor Flanagan stated possibly the next meeting of the Village Board.

Dwaine Perry question if the NYS DEC contacted the Village or did the Village contact the NYS DEC?
-Mayor Flanagan stated he and the Village Engineer contacted the NYS DEC.

Chevy Torres (54 Fifth St) stated that giving the rock to Stoneworks Estates following a donation is the same as selling it and questioned if this can happen again.
-Mayor Flanagan stated this was a one time occurrence.
-Mrs. Torres stated that if she had not abided by the Zoning Local Law regarding setbacks and put a shed on her property she would have been issued a Stop Work Order and she feels the same should be done with Stoneworks Estates.

Dwaine Perry recommended a Moratorium on all work.
-Attorney Cassidy stated a Moratorium would require a Local Law.

Kathleen Davies (27 Hickory Ave) read scientific literature regarding the adverse effects of alleged emissions from the Stoneworks Estates operation and stressed that time is of the essence.

Pat Osterhoudt stated that instead of the Village acting to defend against a lawsuit, the Village should go on the offense and determine if a lawsuit can be brought against Stoneworks Estates.

Public Comment period was closed.

Personnel

A workshop was held prior to this evening's Meeting at which time Attorney Cassidy provided a draft Personnel Manual to the Village Board for review and comments.

8:00PM

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to suspend the regular meeting in order to go into Executive Session for the purpose of discussion pending litigation and personnel issues.
Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien
Noes: None

8:30PM

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to reopen the regular Board Meeting.
Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien
Noes: None

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

Correspondence included:

- The Village is in receipt of copies of Petitions filed with the Town of Ramapo: O & R Utilities, Consolidated Edison and A.F.K.O.S.
- NYS Contract System – Matter forwarded to Attorney Cassidy for follow up.
- The August 2015 Village Memo, with enclosed Water Quality Report, has been mailed out.
- Arcadis – RE: Paint Sludge Project – Information available at Village Hall for public review.

Schedule of Meetings – September 2015: Tuesday, 9/15/15 and Tuesday, 9/29/15.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to adjourn meeting at 8:50PM.
Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien
Noes: None