

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, December 15, 2015 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, December 15, 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
Thomas M. Conklin, DPW Supt.
Elizabeth K. Cassidy, Village Attorney

RECORDER OF MINUTES: Mary Boone, Clerk-Treasurer

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

O’Connor Davies – Presentation of Auditor’s Report for y/e 5/31/15

Mr. Alan Kassay of O’Connor Davies addressed the Village Board with the presentation of the Audit Report for y/e 5/31/15.
-Review was made of the comparative Schedule of Revenues, Expenditures and Fund Balances.
-Mayor Flanagan thanked Mr. Kassay for his presentation of the Audit Report.
(Mr. Kassay left meeting)

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the Auditor’s Report for y/e 5/31/15, as prepared by O’Connor Davies.

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

Minutes of 11/17/15 Meeting - Approved by Village Board.

Ayes: Mayor Flanagan, Trustees DeGraw and 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 Ramapo Police Officer Cano and advised him of complaints received regarding vehicles speeding on 4th Street, in the area from Terrace to Mountain Avenues and motorists going through Stop signs throughout the Village.
-Officer Cano stated these issues will be followed up on. (Officer Cano left meeting to attend another meeting)

DPW Report – DPW Supt. Thomas Conklin reported:

-Loose Leaf Pick-Up is complete as of 12/14/15.
-A Knox Box has been installed on the Youth Center building. Electrolock has supplied a key to be placed inside.
-12/15/15 Quote – DeJana Trucking – 4 Latch Replacement Handles for (2) DPW Trucks: \$198.50.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis authorizing an expenditure of up to \$200.00 for the purchase of 4 Latch Replacement Handles from DeJana Trucking.

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

-Water Leak Detection – Mayor Flanagan questioned the status of the water leak detected in the Hillburn Park area.
-DPW Supt. Conklin to contact Village Engineer McCreedy.
-NYS DOT Shared Services – Supt. Conklin stated it is a good idea.
-Attorney Cassidy stated that although it is a good idea, the form agreement is vague and she would like to amend same.
-Mayor Flanagan stated a meeting will be scheduled with the NYS DOT.

HFD Report – Chief Kelly reported:

12/4/15 Tractor Trailer Rollover – Chief Kelly commended the H.F.D. members for their professional teamwork.
New Member – Anthony Henry – The H.F.D. has accepted Anthony Henry as a Senior Active Member and requested he be placed on Village’s insurance. **Approved by Village Board.**

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

Donation of Fire Equipment by Novartis Pharmaceuticals – Equipment has been received and is being placed on trucks. A list of equipment and serial numbers will be provided.

-Chief Kelly reported mics are needed for 7 radios that were received from Novartis. 12/3/15 Quote from Goosetown Communications: \$96 each. An individual has offered to reprogram the radios at no cost.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis authorizing an expenditure of up to \$500.00 (5 mics) from Goosetown Communications.

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

12/10/15 Quote – FirstDue Fire Equipment – Bail-Out Gear – Tabled – NYS Grant pending.

Penflex, Inc. – Service Award Program – 2015 Data Request Package – Chief Kelly reported he is following up on same (Due Date is in March 2016).

RBC Wealth Management – RE: LOSAP Account – Mayor Flanagan requested the matter remain tabled.

Village Engineer's Report – Engineer McCreedy not present

Mayor Flanagan reported Engineer McCreedy had contacted him to advise he was unable to attend the meeting due to illness; however he will be in attendance at the next meeting.

-Email Sent to Village Engineer by Village Resident – Water Flow in brook on Sixth Street – Mayor Flanagan stated Engineer McCreedy will be making an inspection and requested DPW Supt. Conklin to contact RC Drainage Agency to dredge the stream bed.

-Mayor Flanagan reported IWS had the gutters on their property cleaned and this should help the drainage issue in the area.

Community Development –

2015 CD Program – Project: “After School Program 2015-2016” - The first claim, in the amount of \$11,227.62, has been submitted. No response as of this date.

Correspondence from the RC CD Director - RE: Consolidated Plan for Rockland County for years 2015-2019, along with Analysis of Impediments to Fair Housing Choice, as required by HUD. One set was received and supplied to Mayor (to be passed on to two Trustees for review). Attorney Cassidy would like to review as well.

7:34PM – Public Hearing – Introductory Local Law No. 4, 2015 – (Local Law to Amend Water Rates and Miscellaneous Charges)

The duly posted and published Notice of Public Hearing was read aloud by the Village Clerk-Treasurer.

Attorney Cassidy read Introductory Local Law No. 4, 2015.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to open the Hearing for Public Comments.

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

Mayor Flanagan stated the water rate increase was necessary to offset the cost increase for water purchase from United Water, as well as the increases in operating costs (i.e. purchase of meters, parts, etc.) Leaks in the water system have also been detected and followed up on.

Walter Johnson (27 Hickory Avenue) questioned how the increases will be implemented and adjusted.

-The Village Clerk-Treasurer advised the increases will be implemented in two phases: February 1st and August 1st.

Dwaine Perry (13 Boulder Avenue) questioned how the increase reflects on the contract with United Water. He referred to a 30 year contract negotiated with Spring Valley Water Co. with former Mayor Brian Miele.

-Mayor Flanagan stated the 30 year contract had long expired and United Water representatives have advised that a long term contract is no longer feasible.

Chevron Torres (54 5th Street) questioned the average amount of increase; and the practicality of monthly bills.

-Village Clerk-Treasurer Boone advised the increase in minimum charge is \$29.76 for 6 months. Monthly billing would not be cost effective for the Village or the residents.

Dwaine Perry suggested not paying the bills from United Water until review of the contract.

-Mayor Flanagan stated the bills are paid monthly and in accordance with the present contract.

Walter Johnson questioned if the local law is pertaining to the contract with United Water or the Village water rates.

-Village Attorney Cassidy stated an Agreement exists between the Village of Hillburn and United Water. The sole purpose of the local law is for an increase in the water rates and charges to the Village residents.

Mr. Johnson questioned the length of the Village’s contract with United Water.

-Attorney Cassidy stated it is annual. United Water cannot increase rates without Public Service Commission approval.

With no further comments,

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to close the Public Hearing

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

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

WHEREAS, water rates and miscellaneous water charges are established in §235-12 and §235-26 of the Village of Hillburn Village Code;

WHEREAS, the cost of supplying water to Village residents and businesses has increased and it is necessary to increase the water rates and miscellaneous charges;

WHEREAS, the Village Board of Trustees has solicited the recommendations of the Water Superintendent and the Village Clerk/Treasurer in establishing the new rates;

WHEREAS, the Village Board of Trustees examined the water rates and charges of other nearby municipalities;

WHEREAS, the Village Board hereby declared lead agency and further declared that this action was a Type II action under the State Environmental Quality Review Act and that no significant adverse environmental impact will occur on November 17, 2015;

WHEREAS, a duly noticed Public Hearing was held on December 15, 2015 in the Mary M. Boone Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931;

WHEREAS, the Village Board of Trustees considered said public comment;

NOW THEREFORE BE IT RESOLVED, that introductory Local Law entitled, "A Local Law to Amend Water Rates and Miscellaneous Water Charges" is hereby adopted by the Village Board of Trustees as Local Law 4 of 2015.

BE IT FURTHER RESOLVED that this Local Law shall take effect immediately upon filing with the Secretary of State.

**Ayes: Craig M. Flanagan, Jr., Mayor
Eleanor J. DeGraw, Trustee
Bonnie R. O'Brien, Trustee**

Noes: None

Abstentions: None

Village Attorney's Report – Attorney Cassidy reported:

Proposed Ramapo Central School District Intermunicipal Agreement - Attorney Cassidy stated she had prepared a draft Intermunicipal Agreement between the Village of Hillburn and the RCSD regarding proposed improvements to the drainage in the area of its property that would include property owned by the Village of Hillburn. Matter has been put on hold by the Ramapo Central School District.

Pilgrim Pipeline Project

-Attorney Cassidy summarized the proposed project application that has been submitted by Pilgrim Pipeline to install two pipelines from Albany, NY to Linden, NJ, a portion of which will run through the Village of Hillburn. The NYS Thruway Authority has requested to be Lead Agency for the purpose of determining the environmental impact of this project.

-The Village Clerk-Treasurer reported that correspondence has been received from Geoff Welch-Ramapo Riverkeeper; City of Albany Mayor Kathy M. Sheehan; Susan Montemorano; and Dwaine Perry-Ramapough Lenaape Nation, who also provided copies of correspondence from the Town of Ramapo and the Ulster County Executive, objecting to the NYS Thruway serving as Lead Agency and requesting the NYS DEC be designated as Lead Agency.

-Attorney Cassidy advised that if the Village Board objects to the NYS Thruway serving as Lead Agency, a Resolution must be adopted and submitted by the deadline of 12/16/15.

The following **RESOLUTION** was offered by Trustee DeGraw and seconded by Trustee O'Brien who moved its adoption:

WHEREAS, the New York State Thruway Authority has received an application from Pilgrim Transportation of New York, Inc. (Pilgrim) to construct, operate and maintain two pipelines from Linden, New Jersey to Albany, New York, a portion of which will be located in the Village of Hillburn, and

WHEREAS, the New York State Thruway Authority, by letter dated November 16, 2015, has indicated that the Authority wishes to assume Lead Agency for the purposes of conducting the review required by the State Environmental Quality Act (SEQRA), and

WHEREAS, the Village, as an interested agency, believes that the New York State Department of Environmental Conservation is best suited to conduct the required review under SEQRA and therefore it should be designated as Lead Agency,

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Hillburn that it hereby objects to the New York State Thruway Authority being designated as Lead Agency and hereby requests that the **NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION** be designated as Lead Agency for the above pipeline project.

**AYES: Craig M. Flanagan, Jr., Mayor
Eleanor J. DeGraw, Trustee
Bonnie R. O'Brien, Trustee**

NOES: None

ABSTENTION: None

RESOLUTION was unanimously adopted.

General Code – A price estimate to update the Village Code Book will be obtained.

Insurance

Correspondence from Warwick Resource Group – Terrorism Risk Insurance

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to accept insurance coverage for losses resulting from certified "acts of terrorism, at the annual premium of \$630.00.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

New York State Municipal Workers' Compensation Alliance - Funding Contribution – 1/1/16 – 12/31/16

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw to approve the renewal funding for 2016 at the annual contribution cost of \$28,817.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

State and Municipal Program Grant – HVAC for Hillburn Youth Center

Mayor Flanagan summarized the grant that was facilitated through the office of Senator David Carlucci. Contract remains pending - HVAC Project will not commence until the spring at the earliest.

2015 Tax Certioraris

Attorney Cassidy requested matters be tabled for discussion in Executive Session at end of meeting.

Zoning Board of Appeals –

-RE: Appeal filed by Kristian Matthews/Stoneworks Estates - The ZBA Clerk reported a Public Hearing date has not been scheduled as of this date. The ZBA Chairperson had advised that she is awaiting a reply from the Village Attorney pertaining to review of additional information that had been supplied by the Applicant's Attorney.

-Attorney Cassidy reported she had spoken with ZBA Chairperson Hairston today. A Public Hearing will be scheduled after the holidays.

Planning Board – The next meeting is scheduled for 1/21/16.

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

-2015-2016 Fire Safety Permits – Inspections are being made and Certificates are being issued.

-Residents were reminded of the requirement to obtain a Building Permit prior to doing work.

-Inspector Gordon reported he had attended a training course on GIS Map Program. He feels the program would be a good asset for the Village.

Escrow Accounts

-Martin Spence/Spence Engineering –12/3/15 Claim Against United Water Escrow - \$775.00.

Approved by Village Board.

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

-Status of Escrow Accounts Report @ 11/30/15 - Supplied to the Village Board by the Clerk-Treasurer.

Senior Citizens – Vice-President-Elect Diana DeGroat reported:

Newly Elected Officers:	President	- Margaret Gulick	Secretary	- Peggy Connington
	Vice-President:	- Diana DeGroat	Treasurer	- Valerie Mariano
			Asst. Treasurer	- Patricia Van Dunk

-The Christmas Party that was held on 12/14/15 at the Crowne Plaza was enjoyed by all.

-Senator Carlucci was the Guest Speaker at the 12/7/15 Senior Citizens meeting. His presentation was very informative.

Recreation – Trustee O'Blenis read the written Report.

-12/19/15 Christmas Party – A request was made for the DPW to bring up 6 round tables from the Community Room on Friday. Also, cleaning of the Youth Center by the DPW was requested to be done on Friday rather than Thursday.

-2015-16 After School Program – Early School Dismissal on 12/22 & 23 – Program hours will be 11:00AM – 6:00PM.

-2016 Summer Camp Program – Registration for the Payment Plan Option will be held at the Youth Center on January 25th at 6:00PM.

-Michelle A. Noel Scholarship – Applications are being accepted.

2015 Interfaith Thanksgiving Service - Tuesday, 11/24/15 (Brook Presbyterian Church) – The Service was well attended and enjoyed by all.

Mayor Flanagan, who was out of town and not able to attend, thanked Trustees DeGraw and O'Blenis for their lead at the Service.

2015 Christmas Tree Lighting Celebration – Sunday, December 6, 2015. Mayor Flanagan publicly thanked the Suffern High School Select Choir and Santa Claus for attending. Special thanks were extended to Salomone Bros. for bringing two fully decorated cement trucks to participate in the event.

2016 Village Election – March 15, 2016 –

The Village Clerk-Treasurer reported everything is in order for the Election.

2016 Assessment Roll –

A workshop meeting of the Board of Assessors (Board of Trustees) is scheduled for Wednesday, 12/16/15 at 4:00PM.

-The Village Clerk-Treasurer reported the Tentative Special Franchise assessments are down from 2015.

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

- 2015 annual payment in the amount of \$35,589.79 has been received from the RC Sewer District and rebates will be processed.

Public Comments –

-Amy Peterson (53 5th Street) questioned why HFD members cannot be called out individually by radio instead of sounding the fire whistle in the middle of the night and disturbing sleep.

Mayor Flanagan responded the whistle is necessary to ensure the volunteer firemen are notified so they can respond quickly.

-**Patricia Van Dunk (23 Mountain Ave)** stated she has noticed cars parked on Village property in the area of East Hillburn with For Sale signs. She questioned if a permit is required and stated it creates a precedent.

-**Mrs. Van Dunk** also questioned if the Hot Dog Truck located at the intersection of Route 59 and Route 17 is in the Village of Hillburn and, if so, does it have a Permit.

-Mayor Flanagan stated the truck is located in the Town of Ramapo.

Chevy Torres (54 5th St) stated that according to the NYS Open Government regulations, Board Minutes are required to be posted on the website within 2 weeks and stated the last minutes on the Village's website are from October, 2015.

-Trustee DeGraw advised there was only one meeting held in November: 11/17/15; and said minutes were just approved at this meeting.

-The Village Clerk-Treasurer stated minutes are not posted on the website until they are approved by the Board.

Mrs. Torres reported bathtubs have been dumped on the side of the hill on the 4th Street railroad bridge. (DPW to follow up on same)

Beverly Flanagan (17 Blakeslee Pl) questioned where the proposed pipeline would be located in the Village of Hillburn. Mayor Flanagan replied it is proposed in the area at the top of Sixth Street.

Dwaine Perry (13 Boulder Avenue) questioned the status of his request to purchase property from the Village for a parking area.

Mayor Flanagan replied a meeting will be scheduled.

Tony Powell (121 Sixth St) questioned when the ZBA will hold a Public Hearing on the application of Stoneworks Estates.

-Attorney Cassidy replied it will not be until after the New Year.

Walter Johnston (27 Hickory Ave) stated the additional documents were supplied by Stoneworks Estates on 11/6/15 and questioned the delay in scheduling a Public Hearing.

Mary Short (125 Sixth St) stated the Public Hearing was to have been held within 2 weeks of receiving the documents.

-Attorney Cassidy stated the documents were required to be submitted at least 2 weeks prior to the Public Hearing; however, a Public Hearing date was never scheduled.

-Mayor Flanagan stated he will be contacting the ZBA Chairperson, Carolyn Hairston, regarding the scheduling of a Public Hearing.

Amy Peterson stated she had overhead people talking about obtaining stone from Stoneworks Estates.

-Attorney Cassidy stated Stoneworks Estates is within their rights to continue operating while their Appeal is being determined.

Tony Powell questioned the status of the Master Plan update.

-Attorney Cassidy stated she is preparing the RFPs.

-**Tim Williams (31 6th Street)** questioned how a resident gets on the ZBA.

-Mayor Flanagan advised it is an annual Mayoral appointment (Term: 5 Years)

Chevy Torres stated the ZBA should schedule the Public Hearing.

8:55PM

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 to allow Attorney/Client discussion regarding pending litigation.

Ayes Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

9:10PM

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to re-open the regular meeting.

Ayes Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

Tax Certioraris

-United Water New York v. Village of Hillburn -

Attorney Cassidy presented the terms of the Stipulation, a final form to be drafted and signed by Mayor Flanagan.

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to accept the following Stipulation:

2014 Petition:	Dismissed with Prejudice
2015 Assessment:	Reduced to \$1,070,370
2016-2019 Assessment:	Reduced and Frozen at \$900,000 (no litigation during this time)

Ayes Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

-Fujita Trust v. Village of Hillburn

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to reject the proposed settlement offer Fujita Trust.

Ayes Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

-TBS Realty v. Village of Hillburn

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to reject the initial settlement proposal of TBS Realty.

Ayes Mayor Flanagan, Trustees DeGraw & O'Brien

Noes: None

Realty Mgmt/Hillburn Park Corp. v. Village of Hillburn

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to reject the initial settlement proposal of Realty Mgmt/Hillburn Park Corp.

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

Pitney Bowes – Mailing Machine (5 Year Contract expires March 2016)

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to renew the contract with Pitney Bowes for rental of a mailing machine for a 36 month term, at the monthly rate of \$149.00 (\$10 increase).

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

Application for Use of Hillburn Community Room - Approved by Village Board.

Applicant: Kathleen Davies Dates: Thursdays: Jan. 14 & 28, Feb. 11 & 25, March 10 & 24, April 14 & 28, 2016
Time: 6:30PM – 8:30PM Purpose: “Bobbin Babes” Sewing & Quilting

Correspondence included:

- James Duffy (43 Rockland Avenue) – Email Letter requesting a response to 8/2/15 Email Letter – RE: Need for 4-Way Stop Sign at Rockland Avenue & 4th Street. (Mayor Flanagan stated he will respond this week)
- RC Officer for the Aging – Request for Nominees – Senior Citizens of the Year.
- RC Solid Waste Management Authority – RE: 1st Municipal Green Team meeting: 1/7/16. (Attn: DPW Supt.)

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

-RE: BOND Schoeneck & King – Extra Legal Services – Tax Certiorari Matters - (6) Bills totaling \$1,448.84. **Approved by Village Board.**

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

January 2016 Meeting Schedule – Tuesday, January 12 and Tuesday, January 26. **Approved by Village Board.**

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

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to adjourn meeting at 9:20PM.

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