

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, July 14 2015 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, July 14, 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 Conklin, DPW Supt.

RECORDER OF MINUTES: Mary Boone, Clerk-Treasurer

Meeting was called to order by the Hon. Mayor Craig M. Flanagan, Jr. Resident Christopher Thaxton led in the Salute to the Flag.

Minutes of 6/09/15 & 6/23/15 Meetings – 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 deferred report until the presence of a Police Officer.-.

DPW Report – DPW Supt. Thomas Conklin reported:

-Rental of Generator - Hillburn Day – Two quotes were received as follows:

United Rentals, Inc., New Windsor, NY - \$370.10 (includes delivery)
Sunbelt Rentals, Inc., Perth Amboy, NJ - \$464.70 (includes delivery)(*\$211.50 (excluding delivery)

A discussion was held on the possibility of picking up the generator (to be checked out) A maximum expenditure of \$370.10 was **Approved by Village Board.**

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

-Tires for 2008 F350 Truck – One quote has been received. Waiting for receipt of additional quotes.

-Damage to Sixth Street Gate – A bill for repair was sent to the responsible party.

-Removal of Dead Tree – Veterans Memorial Park – Quote received from Perfect Cut: \$950.00. Waiting on one additional quote.

Maximum expenditure of \$950.00 for the removal of the dead tree **Approved by Village Board.**

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

-Road Patching/Berme Repair will be done next week.

-Lettering for Youth Center Dedication – Village Attorney stated she is awaiting review of draft Resolution that was presented to the Mayor.

-Repair of Guardrail–Park Ave/Blakeslee Place - Anchor Fence has corrected the repair and the work is approved.

NY Leak Detection – Report & Invoice, in the amount of \$3,500, were received 6/25/15 regarding two days of service: 6/3/15 & 6/4/15. (Copy of Report was supplied to Village Engineer, DPW Supt., Village Board & Village Attorney. (Invoice signed/approved for payment by the Village Board)

Seasonal DPW Laborers

In accordance with 6/23/15 Board action, applicants were interviewed. Anthony Henry and Justin Galfo were appointed as Seasonal DPW Laborers at the rate of \$8.75 per hour, from July 6th to Aug. 14th, 7:00AM – 2:30PM.

Application to O & R Utilities for Temporary Service on Hillburn Day – 8/1/15 – Application was cancelled

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

H.F.D. - Chief Edward Kelly Jr. reported:

-Recent drills/responses: Controlled burn, uncontrolled burn, automatic alarm, extrication accident and a roll-over. .

-Chief’s Car - Request for servicing at Mahwah Ford (check engine light on, needs oil change & control heat/cool service) and purchase of 4 new tires from STS in the total amount of \$885.75. **Approved by Village Board.**

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

-RE: 5-Quad – Emergency Service by Firematic (problem with idle/no water). Inspection of engine is needed.

-Bi-Annual Service of 5-Quad and 5-CFR – Firematic Quote: \$1,095.00 per truck. **Approved by Village Board.**

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

-RE: Bail-out Gear - The (8) sets purchased through the NYS Dept. of State Grant #TM51617 have been received.

LOSAP

- 2015 Contribution – In accordance with the 2014-2015 Budget, an amount of \$20,475 was remitted on 6/29/15.
- Correspondence: Quarterly Performance Report; June 2015 Account Statement
- LOSAP Investment Policy Statement – To be reviewed.

7:20PM – Public Hearing Introductory Local Law #2, 2015 – A local law to repeal Local Law #1, 2015 that authorized a property tax levy in excess of the limit established in General Municipal Law §3-C.

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

The Village Attorney stated that the Village of Hillburn did not exceed the tax cap. Therefore, in order to qualify for participation in the Tax Freeze Rebate Program, Local Law #1, 2015 must be repealed.

Hearing was opened for Public Comment. No comments were received.

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:

BE IT ENACTED, by the Village of Hillburn Board of Trustees as follows:

Section 1. Local Law 1, 2015, a Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C is hereby repealed in its entirety.

Section 2. Effective Date.

This local Law #2, 2015 shall take effect immediately upon filing with the Secretary of State.

Ayes: Craig M. Flanagan, Jr., Mayor

Eleanor J. DeGraw, Trustee

Bonnie R. O’Blenis, Trustee

Noes: None

Village Engineer’s Report – Engineer McCreedy not present

7/9/15 Sign-Off Letter to Hillburn Planning Board – RE: Special Permit Application filed by Salamone Redi-Mix of NY, LLC. Recommendations: 100% Bonding based on construction cost estimate, at the discretion of the Planning Board; inspection fee in the amount of \$7,780.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis that Salamone Redi-Mix of NY, LLC be required to establish an escrow account in the amount of \$7,780 to cover inspections associated with the Building Permit, when issued.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Community Development -2015 CD Program– 6/15/15 Award: \$25,000 – Project: “After School Program 2015-2016”. The Clerk-Treasurer stated she is awaiting a response to her email dated 7/14/15 that was sent to Community Development requesting formal notification/letter of award regarding the \$25,000 2015 CDBG Funding.

Village Attorney’s Report

-RE: Employee Grievance – The Village Board acknowledged receipt of the Village Attorney’s memo regarding same.

-RE: Sale/Lease of Village Owned Property – The Village Board acknowledged receipt of a 7/14/15 memo from the Village Attorney outlining the legal requirements for the sale/lease of Village owned property.

Applications for Peddling and Soliciting License filed 2/11/15

-Attorney Cassidy recommended the approval of the 2 applications.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the issuance of a Peddling and Soliciting License to each applicant at the fee of \$50.00 for a one year period.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Insurance – The Village Clerk reported that the Crime Policy has been received.

Tax Freeze/Government Comprehensive Plan – Attorney Cassidy stated that pursuant to the adoption of Local Law #2, 2015, the Certification can be resubmitted to the State Comptroller.

Tax Certioraris

Attorney Cassidy reported a conference call between she, Mayor Flanagan, and the Village’s special counsel, will be held on Friday, 7/17/15 at 3:00PM, to discuss the status of the Tax Certiorari matters. Pursuant to the conference call, a discussion will be held with the Village Board in Executive Session to discuss how to proceed.

-RE: United Water New York Tax Certiorari – Attorney Cassidy confirmed the 2014 and 2015 Tax Certioraris will be handled simultaneously, but will have separate indexes.

Zoning Board of Appeals – The ZBA Clerk reported a meeting is being scheduled.

Planning Board – Next meeting will be held on 7/16/15.

Building/Fire Inspector’s Report – Inspector Adam Gordon (not present - vacation)

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to ratify the authorization for Tom Buckley to cover the Building/Fire Inspector’s duties in his absence.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-Inspections of unpermitted work have been done by Mr. Buckley..

-RE: Parking at 201 and 143 Route 59 – A discussion was held on the ongoing problem of vehicles parking in fire lanes and Village right-of-ways.

-Planning Board Chair Sheree Edwards stated parking is addressed by the Planning Board. The configuration of .the property at 201 Route 59 places approved parking at each end of the complex and people do not want to walk.

-Attorney Cassidy stated the issue can be addressed when compiling the Master Plan.

Escrow Accounts

Aukadiusz, Kowalski (28 7th St) – Escrow Est. 6/3/15: \$500.00 – Review of Bldg Permit Application by Village Engineer)
Claim Received from Village Engineer in the amount of \$576.00.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis requiring the applicant to remit additional escrow in the amount of \$500.00, subject to the approval of the Building/Fire Inspector.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

RE: Escrow Accounts Pending Establishment

-TBS Realty (201 Route 59) and Realty Mgmt./Hillburn Park (143 Route 59) - Inspections by the Building/Fire Inspector. (Attorney Cassidy stated the matter will be discussed in Executive Session)

-TBS Realty (201 Route 59) – Request to purchase old 4th Street. (Village Attorney stated the escrow is no longer required as the Village Board has declined to sell old 4th Street)

Senior Citizens – President, Judi Starr, not present.

-Trip Request – 8/11/15 Trip to Hunterdon Hills Playhouse – Village’s Share: 45 participants @ \$2.00 each. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Recreation – Trustee O’Blenis read the written Report.

2015 Summer Camp & Swim Program – Camp is going well.

-Appreciation was extended to the HFD for conducting a great fire drill on the first day.

-A representative from AAA conducted an interactive Pedestrian Safety presentation that was enjoyed by the children.

-The Ramapo Police K-9 Unit will visit the camp on 7/30/15.

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

2015 Hillburn Day – August 1, 2015 – Co-Chair Beverly Flanagan reported:

-Freezer(s) are needed for ice cream, ice.

-Stage will be delivered by the Town of Ramapo on 7/31/15.

-Orders for T-shirts are still being accepted.

-Mayor Flanagan announced the deadline for 2015 Citizen of the Year Nominations is 7/15/15.

Public Comments –

Wilma Powell (68 5th Street) stated her concern of the location of the spur for sewer hook-up. (DPW Supt. will contact RC Sewer District)

Scheider Joseph (199 Route 17) questioned why he cannot utilize his fire pit.

-Attorney Cassidy stated that only fires used for cooking in an approved cooking grill are allowed. The Village Code prohibits outdoor fires (including in chimineas and fire pits that are legally sold in stores).

-A discussion was held on the issue, and the recent fire call to Mr. Joseph’s residence. Mayor Flanagan stated the material being burned emitted a large amount of smoke.

Timothy Williams (31 6th Street) stated the smoke coming from 199 Route 17 comes into his home and exacerbates his and his family’s existing respiratory conditions.

Attorney Cassidy stated the Village’s policy regarding outdoor burning is being reviewed by the Building/Fire Inspector

Mary Short (125 6th Street) suggested the Village’s policy be placed in the Village Memo.

Chevy Torres (54 5th Street) reported she had smelled a strong odor of natural gas in the area of the 4th St. Bridge.

-Mayor Flanagan stated O&R has been contacted in the past and has advised there is a relief valve in the area.

-Ms. Torres also reported she has noticed raccoons, skunks, etc. during the day at 29 Hickory Avenue (vacant house).

Mr. Joseph stated the smoke from his fire pit helps to keep bears away.

Christopher Thaxton (119 6th Street) commented on the steps being taken by the Village against residential property owners who do not maintain their property (i.e. grass cutting) and questioned what is being done regarding the building at 275 Route 17 (former motel presently owned by American Friends of Kolliel Oitzer Canada) that is in deplorable condition (trash all over property). The respective property reflects poorly on the Village.

-Mayor Flanagan stated the residential properties in violation of property maintenance are mainly vacant/bank owned properties. In regards to 275 Route 17, numerous violations have been issued regarding the condition of the property. Matter will be referred to the Building/Fire Inspector for inspection.

Daniel Johnson (27 & 30 Boulder Avenue) stated his concern regarding the noise from the operation of Stoneworks Estates. He requested permission to read aloud “a letter dated 7/14/15 addressed to the Hillburn Village Board from Joel R. Kupferman, Esq., New York Environmental Law & Justice Project”.

- The Village Clerk-Treasurer confirmed that the Village of Hillburn was not in receipt of the letter.
- Mr. Johnson was permitted to read the letter aloud.
- Mayor Flanagan requested a copy of the letter be supplied to the Village Board and stated he will look into the complaint regarding noise.

Lewis Dennison (119 6th St) reported he saw a rattlesnake on Route 17; and he has noticed rats/garbage in the areas of IWS Transfer Station and Mt. Fuji.

- Route 17 is a state highway maintained by the NYS DOT. The issue of rats/garbage will be followed up on.

Lisa Jennings (120 6th Street) mentioned the Village Board's 7/9/15 workshop with representatives of Stoneworks Estates. A FOIL request was filed and a review was made of Village records pertaining to the operation. A summary reflecting the information obtained from the review has been compiled and it appears Stoneworks Estates is operating without a Special Permit.

- Mayor Flanagan requested a copy of the summary be provided to the Village Attorney. The NYS DEC oversees the operation.

-**Ms. Jennings** submitted a petition dated January 31, 2013. The petition was compiled in response to the ZBA Application filed by Hillburn Granite/Stoneworks Estates on 11/09/12; however, it was never submitted due to the proposed project was not pursued. (Village Attorney accepted the Petition (dated 1/31/13) on behalf of the Village Board)

Tony Powell (121 6th Street) suggested a moratorium on any zoning changes until the preparation and adoption of a Master Plan.

- Mayor Flanagan stated a committee will be formed to prepare a Master Plan.

Dwaine Perry (13 Boulder Ave) recommended that prior to adopting a Master Plan, a review should be made of the negative impact a quarry would have on the tax base.

Lisa Jennings stated Daniel Johnson has a video that demonstrates the present operation of Stoneworks Estates violates the Nuisance Law.

Patricia Osterhoudt (159 6th Street) stated it is the consensus of the Brook Church Session to oppose the operation of Stoneworks Estates.

-**Ms. Osterhoudt** stated the brook behind the Brook Church no longer runs and this could be caused by the stone removal operation.

Mayor Flanagan stated all comments will be taken into consideration.

Applications for Use of Hillburn Community Room – Ratified/Approved by Village Board:

- Hillburn Scholarship Committee – Wednesday, 7/8/15 – 7:00PM (Committee Meeting)
- Bobbin Babes – Thursdays: Aug. 13 & 27; Sept. 24; Oct. 8 & 22; Nov. 12 & 19; Dec. 3 & 17, 2015 / 6:30PM–8:30PM (Quilting & Sewing)

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

Correspondence included:

- Complaint filed by Resident – RE: Odor from IWS Transfer Station – Matter has been follow up on.
- NYS Office of Real Property Tax Service – Equalization Rate: 20.86.
- NYS Assemblywoman Ellen Jaffee – Notice of filing of recommendation for \$8,500 funding: Project: Purchase of fire fighter equipment.
- Optimum – 7/15/15 Scheduled installation at Youth Center. (DPW Supt. stated he had received notification that the work may not be done as schedule – authorization for underground cut needed)
- NYCOM – “NYCOM News” - Includes newly adopted legislation regarding vacant properties.
- Leonard “Pete” Alexander & Peter C. Alexander – Invitation to Book Signing “It Takes A Village” on 8/6/15 at the RCSD Building.
- Verizon – RE: 2015 Semiannual Customer Notification for FIOS TV. (Village's Franchise expires 2017)
- Village of Airmont – Advertising for Planning, Zoning and Fire Clerk.
- NYS Dept. of Civil Service – Empire Plan Quarterly Experience Report.

Personnel Manual – Draft is being prepared by the Village Attorney and same will be provided to the Village Board for review.

Rescheduling of August Meeting

IT WAS RESOLVED by the Village Board that the August meeting be changed from 8/18/15 to 8/11/15 at 7:00PM.

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

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Blenis to adjourn meeting at 8:40PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None