

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

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

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.

**Minutes of 8/11/15 Meeting - Approved by Village Board.**

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

**Minutes of 8/31/15 Meeting - Tabled by Village Board.**

**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 Officer Caro who reported the Village is quiet.  
-Mayor Flanagan requested the Ramapo Police keep an eye out for young children on bicycles who ride in the street.

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

**RE: Emergency Repair to H.F.D. Chief’s Car (2003 Ford Expedition) by Mahwah Ford – Replacement of Catalytic Converter (After Market) Cost: \$990.00. (to be picked up by DPW tomorrow, 9/16/15). Approved by Village Board.**

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

(The Village Clerk-Treasurer requested a copy of the Quote/Invoice from Mahwah Ford and stated a Purchase Order is needed)

**Tree at Corner of 5<sup>th</sup> Street & Lake Avenue** – Follow up to letter received from resident - O & R has been contacted and tree has been placed on list. Date to be scheduled.

**NYS Urban Forestry Council Arbor Day Community Grant** – Mayor Flanagan questioned the status of the purchase/planting of trees. DPW Supt. stated he will be going back to the Nursery tomorrow – there is a concern regarding the proximity of the trees to the roadway (road salt).

**Flags – Corner of 4<sup>th</sup> Street & Lake Avenue** – The rope on the pole broke and flags need to be replaced. O & R has been contacted to use their bucket truck to reattach rope and replace flags.

**70 5<sup>th</sup> Street** – Driveway apron repair has been made.

**Purchase of Tires**– Quote from EST Tire Distributors (State Bid) – Total Amount: \$1,221.44: (2) Tires for 2004 Ford and (6) Tires for 2008 Ford Truck **Approved by Village Board.**

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

The DPW is keeping up with park maintenance and getting ready for leaf pick-up.

**9/15/15 Stormwater Consortium Meeting** – The Village Clerk reported on the 9/9/15 memo received from Eve Mancuso of Brooker Engineering, PLLC stating she would not be available to attend.

-Mayor Flanagan reported he was in receipt of a copy of the minutes from the meeting.

**HFD Report – Chief Kelly not present – no report.**

**Penflex, Inc. – 2014/2015 Service Award Program Fee Agreement**

Village Attorney reviewed the document and found same to be in order.

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to approve the 2014/2015 Service Award Program Fee Agreement and to authorize Mayor Flanagan to sign same.

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

**RBC Wealth Management – RE: LOSAP Account** – Mayor Flanagan reported a meeting was held on this matter with a representative of RBC Wealth Mgmt. approximately 2 weeks ago. Action will be taken soon.

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

The Village Clerk reported two claims were submitted by Brooker Engineering: **Approved by Village Board**

|   |          |
|---|----------|
| 9/9/15 Claim – Engineering Services (8/1/15-8/31/15) – Stoneworks             | \$648.00 |
| 9/9/15 Claim – Engineering Services (8/1/15-8/31/15) – TJG Realty of Rockland | \$144.00 |

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

**2015 Rockland County Recycle Plan / Village Owned Properties (RE: 8/18/15 Correspondence from the RC Department of Health)**

The Village Clerk-Treasurer advised Recycling Plans and fees are required for each Village owned building.

**Community Development –**

**2015 CD Program** - “After School Program 2015-2016” – The Village Clerk-Treasurer reported the signed Agreement was sent to the RC CD Office on 9/1/15. At this date, no response.

-A 9/10/15 letter was received from the RC CD Office notifying that an audit of the files for the 2010-2014 CD Program years will be conducted on 10/9/15 at 11:30AM.

**Village Attorney’s Report**

**RE: Draft Personnel Manual** – Attorney Cassidy reminded the Village Board to provide comments for finalization of the Personnel Manual that she had supplied to the Village Board.

**RE: NYSER Calendars** – Attorney Cassidy reminded the Village Board of the need to submit new calendars of activities, or a recertification of the record of activities on file, in order to adopt a standard work day resolution at the next Village Board meeting.

**RE: Revised Application for Certificate of Occupancy – Non-Residential Use** – Attorney Cassidy stated she and the Building/Fire Inspector have composed a revised form to replace the existing application form. The revised form requires additional, detailed information for any non-residential change of use/occupancy. Attorney Cassidy recommended a letter be sent to all commercial property owners advising of the procedure/approvals needed for all new tenants. A copy of the revised form was supplied to the Village Board members. The Building/Fire Inspector would review the completed application form. A Certificate of Occupancy would be issued if the proposed use is the same as the existing use; or the applicant would be referred to the Planning Board and/or the Zoning Board of Appeals for required review/approval.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the revised Application for Certificate of Occupancy – Non-Residential Use. (copy attached)

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**General Code – Price Estimate – Code Update**

**RE: 8/25/15 Estimate for Codification of Local Law**

- Local Law No. 1, 2013 – Estimated Cost: between \$680 and \$825 (includes shipping/handling of 4 sets of supplemental pages).
- Local Law Nos. 1, 2011 and 2, 2012 do not need to be codified, but will be accounted for on the Disposition List.

-Attorney Cassidy advised Local Law No. 1, 2014 (RE: Flood Damage Prevention) also needs to be codified. (Local Law consists of approximately 30 pages). A cost estimate will be determined.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis authorizing an expenditure in the amount of \$825.00 to General Code (8/25/15 Estimate/Quote).

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

(Officer Caro left meeting)

**Chase – Updated CCO Access and Service Agreement (September 2015)**

Agreement was referred to the Village Attorney who recommended approval of same.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the Agreement and to authorize the Village Clerk-Treasurer to sign same.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**2015 Tax Certioraris**

Attorney Cassidy stated that, as reported earlier, she will be appearing in court tomorrow regarding United Water. A settlement strategy is being developed for one other tax certiorari and same will be discussed with the Village Board at a later date.

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

**Planning Board**

**RE: Salomone Redi-Mix of NY** – Special Permit and Site Plan Application – The Approval Resolutions were supplied to the Building/Fire Inspector.

**RC Planning Dept. of Planning** – The Draft Zoning Map was edited and returned to the RC Dept. of Planning.

-Notice of 9/24/15 “Complete Streets Workshop” – RC Fire Training Center.

**Building/Fire Inspector’s Report** – Inspector Adam Gordon - not present. Attorney Cassidy reported:

**RE: Stoneworks Estates** - Based on reports submitted by the Village Attorney and the Village Engineer, a Stop Work Order was issued on this date to Kristian Matthews/Stoneworks Estates by the Building/Fire Inspector.

**RE: Route 59 Signage** – The NYS DOT provided an 8/19/15 response to the Building/Fire Inspector’s letter regarding the need to change the street signs from “Orange Avenue” to “Route 59” to insure proper E-911 response. Matter will be followed up on.

**2015 Fire Training Foundation Awards Reception – Monday, 10/12/15 - \$50.00/person)**

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw authorizing 5 attendees at the total cost of \$250.00.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**Escrow Accounts**

-A Status of Escrow Accounts Report @ 8/26/15 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’Blenis authorizing payment of the 8/4/15 claim filed by Spence Engineering in the amount of \$400.00.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-The Village Clerk-Treasurer reported the establishment of \$2,500.00 escrow accounts by TBS Realty and Hillburn Realty Mgmt. are pending at this date (5/26/15 Village Board approval that escrows be established)

**Senior Citizens** – President, Judi Starr, reported:

-The Senior Citizens’ 40<sup>th</sup> Anniversary Picnic was held on 8/16/15 Krucker’s. The Certificate of Recognition presented by the Village Board will be framed/hung in the Hillburn Community Room.

-10/9/15 – Military Bridge (Community Room)

-10/17/15 – Defensive Driving Course (Community Room) – Mrs. Starr questioned the installation of the TV.

Mayor Flanagan reported that one of three televisions, purchased through a Cablevision Franchise Grant for media coverage, will be installed in the Community Room. The other two televisions will be installed at the Youth Center and Village Office.

-A Halloween Party will be held in October.

-Election for Officers will be held in November. Judy Starr reported she will not be running for re-election. Mayor Flanagan stated it was a pleasure working with her.

-Trip Request – Papermill Playhouse, Millburn, NJ – 10/29/15 – Expenditure: \$480.00 (40 Participants & \$12.00 each)

**Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**Recreation** – Trustee O’Blenis read the written Report.

2015-2016 After School Program – Program is going great. A total of 46 children are registered. (Registration is now closed)

-On 9/3/15 Dr. Bednar, a chiropractor from Mahwah, visited the Youth Center and gave an informative presentation to the children regarding Backpack Safety.

-Request to Purchase Mats and Basketball Nets from BSN Sports - \$248.86. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Youth Center Night - 10/2/15 – 6:30-9:30PM – Rockin’ Game Arcade – Fund Raiser for Youth Center. Cost: \$10.00 per child. Pizza and soda will be provided. There is no cost to the Village for this event. (Note: RE: Rockin’ Game Arcade – This service will replace the paid service not rendered on Hillburn Day) **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**Fall Festival** – October 10, 2015 (Rain Date: 10/17/15) – Requests:

-Stage and Jumpy – Deposit is on file at Town of Ramapo – Certificate of Insurance is needed. (The Village Clerk-Treasurer reported the Certificate of Insurance has been supplied)

-Bonfire – Request for assistance by the HFD and DPW.

-Kelly’s Canopy & Party Rentals – Rental of Tent, Cotton Candy Machine and Popcorn Machine - \$320.00. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-Oriental Trading – Purchase of Pumpkin Decorating Supplies & Crafts. - \$221.34. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-Secor Farms – Purchase of Pumpkins, Hay, Corn Stalks & Donuts (to be picked up on 10/9/15 by the DPW) - \$395.00. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-Donations requests have been made to local merchants for a raffle table to benefit the Michelle A. Noel Scholarship Fund.

-Trustee O’Blenis read the Poster outlining the date/time/activities for the Fall Festival, including dedications of the Youth Center and Basketball Court.

The Village Clerk-Treasurer stated a Resolution had been adopted for dedication/naming of the Youth Center; however, a Resolution for the dedication of the Basketball Court is pending. (Village Attorney to supply same)

Cooking Class – Trustee DeGraw stated she would like to once again conduct a Cooking Class for participants of the After School Program at the cost of \$25.00 per child, and read aloud a letter to be sent to parents. **Approved by Village Board.**

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None

Abstention: Trustee DeGraw

**2015 Hillburn Day – August 1, 2015**

-The Clerk-Treasurer reported an additional expense to be added to the 8/18/15 Financial Report - RE: Thank You Certificates & Postage (estimated amount: \$100.00)

**2016 Assessment Roll** – Workshop meetings will be scheduled to commence the preparation of the 2016 Assessment Roll.

-The Clerk-Treasurer reported the Hillburn portion of the 2015 Town of Ramapo Tax Roll has been received.

**Hillburn Sewer Rebate Committee** - Trustee DeGraw reported sewer rebate applications are still being accepted. At present, approximately \$200,000 has been distributed to residents. The next round of rebates will be sent out when additional funds become available. Emphasis was placed on submitting correct information and contractor's receipt to expedite rebate.

-Intermunicipal Agreement Between Rockland County, Rockland County Sewer District No.1 and the Village of Hillburn – The Village Clerk was supplied with a copy of the Village Attorney's 5/13/15 letter to the County of Rockland Dept. of Law and their 8/20/15 email response advising that the Sewer District has passed a Resolution authorizing payment to the Village of Hillburn.

**Public Comments** –

**Amy Peterson (53 5<sup>th</sup> St)** questioned what happens if one of the Board Members votes “no” on a Motion/Resolution (always “Ayes”).

-Mayor Flanagan stated that the present Board works well together.

-Trustee DeGraw stated most actions are to conduct the basic running of the Village.

**Mary Short (125 6<sup>th</sup> St)** reported a hole near the run-off drain in front of her house. (DPW Supt. stated he is aware of the hole and it has been placed on the list for repair)

**Chevron Torres (54 5<sup>th</sup> St)** presented a “No Quarry or Zoning Changes in Hillburn” Petition that was prepared by the Hillburn Environmental Action Committee. Approx. 150 residents signed the Petition. (Petition given to Village Attorney)

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Blenis to receive and file the Petition.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

**Daniel Johnson (30 Boulder Ave)** questioned the status of the Stop Work Order issued.....will there be any work activity at site? (Mayor replied equipment is being moved out)

**Vincent Ferry** Environmental and Forensic Investigator representing Michael Sussman of Sussman & Watkins Law, the Attorney on behalf of the community members concerned about the activity at the “quarry” including noise, silica dust, displaced rattlesnakes, loss of property value and damage to property. The law firm will continue to monitor the situation.

**Lisa Jennings (120 6<sup>th</sup> St.)** questioned if the issuance of a Stop Work Order is permanent.

Attorney Cassidy stated she cannot say how the property will be used in the future. At this time no activity is allowed.

**Dwaine Perry (13 Boulder Ave.)** questioned if the Stop Work Order is confined to the end of the street as he has heard some intense digging noise behind his house.

Attorney Cassidy stated the Stop Work Order applies to the three tax parcels owned by Stoneworks Estates.

**Tony Powell (121 6<sup>th</sup> St.)** questioned what was cited as a basis for issuing the Stop Work Order.

Attorney Cassidy stated that it is her opinion, based on discussions with the Village Engineer, reviewing files dating back 10 years, and speaking with the property owner, that there is presently no current Planning Board approval for the respective operation. It is also the opinion of the Village Engineer that even if the Permit issued in 2006 were valid, the activity had exceeded the scope. Subsequently, she advised the Building/Fire Inspector to issue the Stop Work Order.

-**Mr. Powell** questioned what recourse is available should Stoneworks Estates want to continue the quarrying operation.

Attorney Cassidy stated an Administrative Appeal can be filed with the Zoning Board of Appeals. Based upon the outcome of that Appeal, a Litigation Appeal can be filed.

**Paul Sharlow of Brown Sharlow Duke & Fogel, P.C. – Attorneys for Stoneworks Estates** acknowledged receipt of the Stop Work Order and stated an Appeal will be filed, as well as a FOIL request for all respective files. Mr. Sharlow gave a brief summary of permits/approvals previously obtained. Due to the use of unconventional methods that employed the use of saws and excluded blasting and heavy equipment, the process has taken longer and has prevented the impacts stated, such as silica dust, impacts rattlesnakes, cracked foundations, etc. Environmental Assessment Forms were submitted with all prior applications and it was determined that there would not be substantial impact. Conventional methods would have caused the stated impacts. Nothing affected community at large. Everything being doing has been permitted.

**Vincent Ferry** questioned if a new Zoning & Planning Laws and the Zoning Map would permit the type of operation being conducted by Stoneworks.

-Attorney Cassidy stated the process has not been started.

**Mr. Ferry** questioned if the process will involve public input and oversight?

Mayor Flanagan replied yes.

**Walter Johnson (27 Hickory Ave.)** questioned the status of the Veterans Memorial Pond. He has noticed the water is down and that there is no algae.

-Mayor Flanagan stated there is a rip in the liner.

-DPW Supt. Conklin advised that the Village has contracted with Princeton Hydro who applies three treatments to the pond throughout the season to prevent algae, duckweed, etc.

-Mayor Flanagan stated grants are being sought to repair the pond.

**Dwaine Perry** stated Village employees were witnessed using Village equipment to clear property for a parking space and questioned same.

-Mayor Flanagan stated matter will be looked into.

**Applications for Use of Village Owned Buildings – Approved by Village Board****Youth Center & Field**

Applicant: Susan Marsh – Date/Time: Saturday, 10/24/15–12noon-4:00PM

Purpose: “Scare Cancer Away” Fundraiser for Childhood Cancer Research

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the application of Susan Marsh, subject to the following:

- Occupancy of the Youth Center must be within the maximum allowed capacity.
- Filing of a Certificate of Insurance naming the Village of Hillburn as the Certificate Holder.
- Rental Fee in the amount of \$150.00.

Ayes: Mayor Flanagan, Trustees DeGraw &amp; O’Blenis

Noes: None

**Community Room**

Applicant: Hillburn Senior Citizens Organization

Dates/Times/Purpose: Friday, 10/09/15 - 5:00PM-10:00PM (Military Bridge)

Saturday, 10/17/15 - 9:00AM-5:00PM (Defensive Driving)

Applicant: Hillburn Ladies Auxiliary

Dates/Times/Purpose: Sunday, 10/11/15 – 1:00PM-5:00PM (Fund Raiser)

Saturday, 10/24/15 – 4:00PM-9:00PM (Hoagie Night)

Saturday, 11/21/15 – 9:00AM-12:00noon (Bake Sale)

Friday, 12/11/15 – 5:00PM-until (Christmas Caroling)

**Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw &amp; O’Blenis

Noes: None

**Correspondence** – Acknowledged by Village Board.

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

**RE: Emergency Frozen Water Line Service – 7<sup>th</sup> Street – Dates: March 4 & 5, 2015**

Mayor Flanagan reported he requested emergency service by Armond Boone Two days @ \$200.00 - \$400.00 **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw &amp; O’Blenis

Noes: None

**RE: 8/31/15 Minutes** **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw &amp; O’Blenis

Noes: None

**RE: Ramapo Fire Protection District #1 – 2016 Fire Protection Service**

Mayor Flanagan reported a 9/1/2015 letter had been sent to the Town of Ramapo requesting \$185,000 for 2016. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw &amp; O’Blenis

Noes: None

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to adjourn meeting at 8:23PM.

Ayes: Mayor Flanagan, Trustees DeGraw &amp; O’Blenis

Noes: None