

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, September 29, 2015 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, September 29, 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. Resident Tim Williams led in the Salute to the Flag.
(Trustee O’Blenis stepped out of meeting)

Minutes of 9/15/15 Meeting - Approved by Village Board.

Ayes: Mayor Flanagan & Trustee DeGraw
Noes: None

Street & Water Commissioners Reports – Approved by Village Board.

Ayes: Mayor Flanagan & Trustee DeGraw
Noes: None

(Trustee O’Blenis returned to meeting)

Police Commissioner’s Report

Mayor Flanagan stated a recent incident involving a youth is being followed up by the Ramapo Police Dept.

DPW Report – DPW Supt. Thomas Conklin reported:

RE: Installation of TVs – Brackets have been obtained and the TV in the Community Room will be installed tomorrow.
-Trustee DeGraw confirmed the availability of a DVD player for the Defensive Driving Course scheduled for 10/17/15.

RE: Flags – Corner of 4th St. & Lake Ave. – Flags have been replaced.

Tree at Corner of 5th Street & Lake Avenue – Scheduling of date for trimming/removal by O & R is still pending.

RE: Dedication of Youth Center – Lettering on building is complete.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to remit the balance due to the Sign Shop, in the amount of \$887.56 (total quote: \$1,1775.12 - \$887.56 deposit paid 8/12/15) to provide and install the lettering on the Youth Center to read “Michelle A. Noel”

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

RE: Fall Festival – Material for bonfire is being obtained.

RE: Garage Door – 43 Terrace Ave. – Repair is needed – Dutchess Overhead Door is scheduled to inspect on 9/30/15 and supply quote.

HFD Report – Chief Kelly not present – no report.

RBC Wealth Management – RE: LOSAP Account – Mayor Flanagan reported action will be taken soon.

Village Engineer’s Report – Engineer McCreedy not present – no report.

Community Development –

2015 CD Program - “After School Program 2015-2016” – Receipt of a fully executive Agreement is still pending.

-A Race/Ethnicity and Units of Service Report was received and is to be completed.

-The RC CD Office will be conducting an audit of the files for the 2010-2014 CD Program years on 10/9/15 at 11:30AM.

2016 CD Program – Notice received from RC Community Development - Activation of Citizens Advisory Committee is needed.

Village Attorney’s Report

RE: NYSER – Establishment of Standard Work Days

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

BE IT RESOLVED that the Village of Hillburn hereby establishes the following standard work days for these titles and will report the officials to the New York and Local Retirement System based on time keeping system records or their record of activities: (Full Resolution attached)

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

Resolution Dedicating the Hillburn Basketball Court in Honor of Wesley H. Powell, Jr.

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

WHEREAS, Wesley H. Powell, Jr., a lifelong resident of Hillburn, served the Village of Hillburn as a volunteer for the Hillburn Recreation Department;

WHEREAS, Wesley tragically passed away from a heart attack on August 17, 1981, while playing basketball, as a volunteer, with the Hillburn Youth;

WHEREAS, on October 15, 1994, the Youth Center's Great Room was dedicated as the "Wesley H. Powell, Jr. Great Room"; and

WHEREAS, the Village Board of Trustees wishes to honor his memory by dedicating the Hillburn Basketball Court located at 77 5th Street;

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees this 29th day of September, 2015 hereby names the basketball court located at 77 5th Street the "Wesley H. Powell, Jr. Memorial Basketball Court" in Wesley's honor.

BE IT FURTHER RESOLVED, that a dedication ceremony shall take place on October 10, 2015 during the Village's Fall Festival.

BE IT FURTHER RESOLVED, that Mayor Craig Flanagan Jr., is hereby authorized to take any such action that is necessary and proper to effectuate the intent of this resolution.

Ayes: Craig M. Flanagan, Jr., Mayor
Eleanor J. DeGraw, Trustee
Bonnie R. O'Brien, Trustee
Noes: None

RESOLUTION was unanimously adopted.

-Mayor Flanagan stated a plaque will be installed in the basketball court area.

General Code - Estimate for Codification of Local Law #1, 2014

-Attorney Cassidy to finalize Local Law No. 1, 2014 (RE: Flood Damage Prevention).

2015 Tax Certioraris

Attorney Cassidy stated she is working on settlement strategies for several matters.

Zoning Board of Appeals -

RE: Appeal filed by Kristian Matthews/Stoneworks Estates - The ZBA Clerk reported the Appeal had been filed on 9/17/15. No meeting/Public Hearing has been scheduled at this date.

-Establishment of Escrow

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw to require Kristian Matthews/Stoneworks Estates to establish an escrow account, in the amount of \$5,000.00, to cover professional reviews associated with the 9/17/15 Appeal to the ZBA.

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

Planning Board

Correspondence supplied by the Hillburn Planning Board recommending close out of the following escrow accounts:

| | | |
|---------------------------------|--|------------|
| TBS Realty Mgmt, (Bldg A2) | Escrow Established 07/03/14 – Balance @ 9/29/15: | \$1,405.00 |
| Hillburn Park Corp (Bldg 1A) | Escrow Established 11/05/14 – Balance @ 9/29/15: | \$1,005.00 |
| Hillburn Park Corp (Bldg 11SW) | Escrow Established 11/07/14 – Balance @ 9/29/15: | \$1,105.00 |
| Hillburn Park Corp (Bldg. 11NW) | Escrow Established 07/24/14 – Balance @ 9/29/15: | \$1,027.50 |

Approved by Village Board.

Ayes: Mayor Flanagan & Trustees DeGraw
Noes: None

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

Escrow Accounts

M.S. Realty - Escrow Established 2/23/15 – Site Plan Application to Hillburn Planning Board

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien O'Brien authorizing payment of the 9/22/15 claim filed by The Law Office of Elizabeth K. Cassidy, PLLC in the amount of \$250.00, subject to approval of the Hillburn Planning Board.

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

Stoneworks Estates, Inc. – Escrow Established 6/04/15 - Zone Change Request/Application (5/7/15 Letter)

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien O'Brien authorizing payment of the 8/10/15 claim filed by The Law Office of Elizabeth K. Cassidy, PLLC in the amount of \$785.00.

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

Senior Citizens – President, Judi Starr not present.

-Trustee DeGraw reported on the Defensive Driving Course (Community Room) scheduled to be held on 10/17/15.

Recreation – Trustee O'Brien read the written Report.

Open Gym – Scheduled for Friday, 10/2/15 from 6:30PM – 9:30PM. Rockin' Games Arcade will also be present.

2015-2016 After School Program –

-Annual Halloween Party – Request for \$150.00 to purchase supplies. **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-The Youth Center will be closed on Monday, 10/12/15 (Columbus Day).

Fall Festival – October 10, 2015 (Rain Date: 10/17/15) – -Volunteers are still needed.

Proposals for Band Service (3 Hours):

The Joe Payne All American Band: \$1,200.00

Ray Longchamp/Longchamp & Manzo Band: \$ 750.00

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to accept the proposal from Ray Longchamp/Longchamp & Manzo Band to provide 3 hours of band service at the Fall Festival on 10/10/15, at the cost of \$750.00.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

2016 Assessment Roll – Workshop meetings will be scheduled.

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

Public Comments –

Pat Osterhoudt (159 6th St.) questioned the status of updating the Comprehensive Plan.

-Attorney Cassidy stated she is preparing a Request for Proposals from Planners, to include Zoning Code updates.

-**Ms. Osterhoudt** recommended a Moratorium be put into place while the review/updates are being made.

-Attorney Cassidy stated she will look into same.

Dwaine Perry (13 Boulder Ave) questioned the updating of the Comprehensive Plan and would changes effect existing violations.

-Attorney Cassidy stated Legislative Law recommends revisiting the Comprehensive Plan every 10 years. Existing violations would still be enforced.

Pat Osterhoudt confirmed that the changes would not be to “make wrongs right”.

-Attorney Cassidy replied any changes would be for the community on the whole. The Land Use Law Office of Pace University is a source of guidance during the process.

Beverly Flanagan (17 Blakeslee Pl) questioned how many members will be on the Comprehensive Plan Committee.

-The Village Board concurred that the number of members on the Committee will be limited.

Walter Johnson (27 Hickory Avenue) requested a legal opinion regarding work continuing by Stoneworks Estates after the issuance of a Stop Work Order.

-Attorney Cassidy stated the law provides that after an Appeal is filed, all actions are stayed and there is legal authority for the work to continue. If the ZBA upholds the Stop Work Order, Stoneworks Estates can file an Article 78. However, during the Article 78 process, the Stop Work Order is enforced and work cannot continue.

Chevron Torres (54 5th Street) questioned why it is taking so long to schedule a meeting of the ZBA.

-Mayor Flanagan stated the ZBA is comprised of volunteers and a mutually convenient date needs to be scheduled.

-Attorney Cassidy stated after a meeting is scheduled, time is needed for proper posting/publishing of notice.

Amy Peterson (53 5th Street) questioned the ZBA process.

-Attorney Cassidy stated that, pursuant to holding the required Public Hearing, a decision would be made to uphold or overturn the decision of the Building/Fire Inspector to issue the Stop Work Order.

Dwaine Perry questioned if there will be any ethical oversight of the ZBA proceedings.

-Attorney Cassidy stated the proceedings will be conducted in accordance with the General Municipal Law.

Chevron Torres questioned the Zoning Local Law that requires chain link fence to be set back from the roadway; however, allows dense shrubbery to be placed right on the property line and the requirement to set back sheds 5’ from the property line.

-Attorney Cassidy stated these concerns will be considered when reviewing/updating the Zoning Local Law.

Lisa Jennings (120 6th Street) questioned the escrow requirement regarding Stoneworks Estates.

-Attorney Cassidy stated her 8/10/15 claim was against an escrow established by Stoneworks Estates regarding an informal request for a zone change. The Village Board’s requirement of a \$5,000.00 escrow account by Stoneworks Estates pertains to the 9/17/15 Application to the ZBA.

CorrespondenceApplication for Use of Community Room - Approved by Village Board.

Applicant: Hillburn Ladies Auxiliary Date/Time/Purpose: Tues, 10/20/15–7:00PM (Wounded Warrior Project)

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

-O & R Utilities – Notice – Posting of Political Signs on utility poles is prohibited.

-Assemblywoman Jaffee – Dedication of Hillburn School as a Historic Site – Sunday, 11/8/15 at 4:00PM. Request for input from Mayor.

- New York State Archives – RE: Village of Hillburn’s 2015-2016 LGRMIF Grant Application – not approved for funding.
- 2015 Fire Training Foundation Awards Reception – Monday, 10/12/15 – As approved at the 9/15/15 Board Meeting, Mayor Flanagan, Trustee DeGraw, Trustee O’Blenis, and Building/Fire Inspector Gordon will be attending.
- Suffern High School Alumni – 40th Class Reunion – Presentation of Film (posted).

Agreement with Hudson Archival – 2014 LGRMIF Grant

The Village Clerk-Treasurer reported Hudson Archival is scheduled to pick up the documents for digitizing on 10/7/15 and has requested full payment, in the amount of \$8,000.60. Matter was referred to the Village Attorney.

-Attorney Cassidy stated the Agreement stipulates the Village would be invoiced 7 days after return of documents; however, a partial payment could be made at time of pick-up.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to authorize payment of \$4,000.30 (50%) on the date of document pick-up, 10/7/15, and the balance will be paid upon return of documents/project completion.

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

NYS Retirement

2016 Contribution Projection –

A MOTION WAS MADE BY Trustee O’Blenis and seconded by Trustee DeGraw authorizing the payment of \$56,856 (prepayment amount due 12/15/15).

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

2017 Contribution Projection – An approximate contribution decrease of \$5,000 is projected.

Audit – Year Ended 5/31/14

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the transfer of the ongoing balance 2009 in the Capital Fund Account, \$22,710, and transfer same to the General Fund (Reserved for Debt Service) and authorizing the Village Clerk-Treasurer to make the necessary entries to close out the Capital Projects: Dam Remediation(\$5,665.00) and 2009 Fire Truck, \$22,563, that are reflected in the Capital Recorded Account.

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

NYCOM – 9/10/15 Notice that the scheduled dues increase for 2016 has been rescinded. Dues will remain the same as 2015: \$727.00.

NYS Department of Health – Certificate of Returns of Births and Deaths for years 2012 and 2013.

2016 Village Election – March 15, 2016 – One Vacancy: Office of Trustee

Copies of the Calendar of Dates have been supplied to the Village Board and posted.

Personnel

8:05PM

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to suspend the regular meeting to hold an Executive Session to discuss personnel matters.

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

8:17PM

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to resume regular Board Meeting.

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

RE: Personnel Manual – Draft supplied to the Village Board by Village Attorney. A meeting with employees was scheduled for Thursday, 10/22/15 at 2:00PM to discuss the draft Personnel Manual.

-Village Attorney stated she would supply the draft Personnel Manual to the Village Clerk-Treasurer.

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

-Three Claims submitted by BOND Schoeneck & King – RE: Tax Certioraris: Approved by Village Board.

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|---------------------------------------|-----------------|
| A.F.K.O.S. v. Village of Hillburn: | \$840.00 |
| United Water v. Village of Hillburn: | 52.50 |
| Town of Ramapo v. Village of Hillburn | <u>52.50</u> |
| | <u>\$945.00</u> |

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

Schedule of October 2015 Meetings: Tuesday, October 13th and Tuesday, October 27th – 7:00PM.

Public Comments (reopened)

Pat Osterhoudt (159 6th Street) questioned the status of the 2015 Village Tax bill for the Brook Presbyterian Church.

-Village Attorney Cassidy to follow up on matter.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to adjourn meeting at 8:25PM.

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