

VILLAGE OF HILLBURN

Board of Trustees Meeting

Tuesday, November 13, 2018 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, November 13, 2018, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 7:00PM.

PRESENT: Craig M. Flanagan, Jr., Mayor
Bonnie O’Blenis, Trustee
Eleanor J. DeGraw, Trustee
Richard Ellsworth, Village Attorney
Eve Mancuso, Village Engineer
Thomas M. Conklin, DPW Supt.

RECORDER OF MINUTES: Robin Miele, Clerk-Treasurer

Meeting called to order by the Hon. Craig M. Flanagan, Mayor. ZBA Member Timothy Williams led the Salute to the Flag.

Village Auditor’s Report – FYE 5/31/18 (Berard & Associates CPAs, P.C.)

Representatives of Berard & Assoc. CPAs, P. C.C present: Donalee Berard (Partner) and Clarissa Stadnick (Lead CPA for Audit)

-Ms. Berard distributed copies of the Auditor’s Report for FYE 5/31/18 and reviewed same with the Village Board.

-Review included the comparative Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual, for all funds.

Impacts on the General Fund include the implementation of GASB73 and the LOSAP Program.

Impacts on the Water Fund included a water main break and increased costs to purchase water from SUEZ.

-Ms. Berard stated that the Village of Hillburn is in sound financial shape, in accordance with the YE 5/31/18 Audit.

-The Village Board had no questions regarding the Auditor’s Report and thanked Ms. Berard and Ms. Stadnick for their work on behalf of the Village of Hillburn.

Minutes of the 10/16/18 Meeting – Approved by Village Board.

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None

Abstention: Trustee DeGraw (Absent from meeting)

Street & Water Commissioners Reports – Approved by Village Board.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Village Attorney’s Report – Village Attorney Richard Ellsworth

Voucher Claims: Special Council – Jacobowitz and Gubits, LLP (Creelman Road Litigation): Attorney Ellsworth stated that he had reviewed the claims and found that the work quality matches the time spent reflected on the claims.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve payment of the following claims, as recommended by the Village Attorney:

Invoice #275397 dated 09/28/18 (Legal Services: 08/01/18 – 08/30/18) \$ 4,493.16

Invoice #275606 dated 10/10/18 (Legal Services: 09/01/18 – 09/28/18) \$ 1,997.18

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Verizon 5 Year Special Franchise Agreement – Expiration Date: Oct. 2017

As recommended by Attorney Ellsworth, a Public Hearing was scheduled to be held on Tuesday, 12/4/18. The Notice of Public Hearing will be prepared and supplied by Attorney Ellsworth.

Requests for Relief from Moratorium - (3) waiver requests before the Village Board.

-Habitat for Humanity (Prop. ID: 47.18-3-7 – 40 Fifth St) Property Owner: Village of Hillburn–11/2/18 Request for Waiver

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis that the request for a waiver from the moratorium, filed by Keith R. Albert, Executive Director of Habitat for Humanity in order to apply for approvals required to construct a single family house (2 story, 3 bedroom, 1 ½ bath) on the referenced property BE APPROVED - Reason: Credible dollars and cents proof of the harm to applicant if the waiver is not granted was demonstrated; and

FURTHER, the granting of the waiver does not obviate the property owner from obtaining all necessary permits and approvals for the underlying application.

Ayes: Mayor Flanagan & Trustees O’Blenis & DeGraw

Noes: None

-TJG Realty of Rockland, LLC (Property ID: 47.14-2-41) – 11/01/18 Request for Waiver

Mr. Brennan was present on behalf of TJG Realty of Rockland, LLC, along with his Attorney, Robert Reda.

Attorney Ellsworth stated that TJG Realty of Rockland is presently before the Hillburn Justice Court for a violation regarding the use of the property.

-Attorney Reda addressed the Village Board and stated it is his client’s contention that the use of the property falls within the existing Special Permit/Site Plan approval granted by the Planning Board.

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw that the request for a waiver from the moratorium filed by Attorney Robert Reda on behalf of TJG Realty of Rockland in order to apply to the Planning Board for Site Plan approval BE APPROVED - Reason: Credible dollars and cents proof of the harm to applicant if the waiver is not granted was demonstrated; and

FURTHER, the granting of the waiver does not obviate the property owner from obtaining all necessary permits and approvals for the underlying application.

Ayes: Mayor Flanagan & Trustees O’Blenis & DeGraw

Noes: None

-TBS Realty (Prop. I.D.: 847.19-2-2 – Bldg. E - 201 Route 59) – 11/13/18 Request for Waiver

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Blenis that the request for a waiver from the moratorium filed by Dennis Lynch, Attorney on behalf of TBS Realty in order for its Tenant, Tecomet, Inc. (Symmetry) to apply for approvals required to relocate two dust collectors from inside the building to outside the building at the referenced property BE APPROVED – Reason: Credible dollars and cents proof of the harm to applicant if the waiver is not granted was demonstrated; and FURTHER, the granting of the waiver does not obviate the property owner from obtaining all necessary permits and approvals for the underlying application.

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

Pending Litigation – Village of Hillburn v. Losner – Next Court Date: 12/12/18.

At the 10/16/18 Court Date, Mr. Losner was present and stated repairs to the house will be complete by 11/13/18. Attorney Ellsworth stated that, due to the repairs are not complete, a settlement will not be discussed and he will be sending a letter to the Court and to Mr. Losner requesting the scheduling of a trial date.

-10/27/18 Claim – Basalmo Byrne, Cipriani & Ellsworth – Invoice for Professional Services (5/19/18 –10/23/18): \$857.50.

Approved by Village Board. (Claim to be paid in accordance with 2/9/16 Resolution)

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

Sexual Harassment Policy & Prevention Training Update

Attorney Ellsworth stated he will confirm that the Village of Hillburn's existing Sexual Harassment Policy complies with the new regulations.

Attorney Ellsworth was excused from meeting.

DPW Report – DPW Supt. Thomas Conklin

-Quote from Perfect Cut Tree Service – 10/22/18 Estimate – Remove Tree & Grind Stump area of 25 5th Street (along Lake Ave); Grind Stumps existing stumps in areas of 25 5th St., 35 Lake Ave., 44 2nd St. and 26 5th St. – Total: \$1,350.00.

Approved by Village Board.

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

-Emergency Repair of Backhoe – As approved at the 9/4/18 Board Meeting, Engines Plus performed the repair and provided Invoice #3471 in the amount of \$385.00. **Approved by Village Board.**

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

-RE: 32 2nd Street –Written complaint/concern received from a property owner in the area - Suspicious Activity. (As directed by the Village Board at the 10/16/18 meeting, the building has been secured).

-RE: 11/1/18 Quote from Executive Furniture – Desk for Building/Fire Inspector: \$273.00. **Approved by Village Board.**

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

SUEZ Water New York – Bill for Water Usage: 9/11/18 – 10/16/18 – Mayor Flanagan stated that the usage being charged remains high (copies of SUEZ claims are supplied to Village Engineer & DPW Supt.)

-10/13/18 Fall Festival – Mayor Flanagan advised that he had authorized DPW Supt. Conklin to pay Daniel & Andrew Stryko (2018 Seasonal DPW Student Workers) the sum of \$100 each for their assistance at the 2018 Fall Festival; and requested the Village Board's approval for reimbursement to Supt. Conklin. **Approved by Village Board.**

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

2008 Ford F150 -Truck Body – Supt. Conklin reported matter is still pending. (no approval was requested)

Rockland County Shared Services Plan – Draft Countywide Shared Services Plan – Mayor Flanagan stated he has discussed matter with Village of Sloatsburg Mayor Wright. Matter remains tabled.

Village Water System

Water System Financial Evaluation – KC Engineering & Land Surveying, PC - Pending Agreement – Mayor Flanagan reported this matter is off the table at this time.

4th Street Railroad Bridge - RE: Resurfacing by Town of Ramapo – Engineer Mancuso will contact the Town of Ramapo regarding the status of the grant application, as she is aware of other project awards.

Town of Ramapo – 2018 Fire Districts Agreements – Outstanding Balance due the Village of Hillburn – \$20,000.00

Mayor Flanagan reported he had spoken to Supervisor Specht who advised he will look into matter and respond this week.

HFD Report – Chief Starr reported:

-Request for authorization to purchase of 20 bags Speedy Dry for trucks – Maximum Cost: \$100.00. **Approved by Village Board.**

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

-Repair of Air Pack – HFD Chief is to provide a quote from MES.

-Water spigot inside Quad Bay needs replacement. DPW Supt. requested to inspect matter.

-Request to have DPW relocate water line so that the trucks can be filled up from inside the bay. **Approved by Village Board.**

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

Praetorian Digital – 10/16/18 Proposal for Grant Writing Services – RE: AFG (Assistance to Firefighters Grant) FY18 – A meeting will be scheduled with the Village Board, Village Attorney and HFD Chief to review and discuss the proposal.

Haight Fire Equipment Supply – 4/30/18 Quote for Air Compressor Service – Total Cost (Service & Travel) = \$837.72. **Approved by Village Board.**

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

New Mini Pumper – The Village Board authorized Chief Starr to organize a review committee.

Request for Permission to take Trucks to Christmas Parades – Dates: 11/24 – Wallington, NJ; 12/1 – Suffern, NY; 12/8 – Orangeburg, NY. **Approved by Village Board.**

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

-10/25/18 Purchase of Road Flares – Vendor: Grainger – Purchase Order #1844: \$307.00. **Ratified by Village Board.**

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

-Ruscon Truck Service & Equip., Co., Inc. - Invoice #112752 - 10/18/18 Emergency Repair of 5-CFR – Cost: \$1,890.00 - **Ratified by Village Board.**

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

LED Street Lighting Upgrade

-O & R – RE: NY Public Service Commission Case 16-E-0226; O & R's Add'l LED Street Lighting Options Available to Municipalities – Upgrade of 9 streetlights to LED along 4th St. – Approved upgrade still pending.

-RealTerm Energy LED Street Light Proposal – Sandy Stead of RealTerm Energy was present and reviewed the proposal with the Board. The project would include the Village's purchase of 116 street light fixtures from O & R. RealTerm would then bid the LED upgrade project. Estimated savings over 10 years: \$175,000.

Public Comments:

-Tim Williams questioned the up front cost. Sandy Stead stated \$98,342 (includes project cost and acquisition).

-Delores Hunter questioned if the proposal is for existing lights or will there be new lighting? Mayor Flanagan stated matter will be reviewed.

Sandy Stead stated that the contract had been supplied to Attorney Ellsworth who questioned the bidding requirements. Information on bidding was also supplied.

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw to accept the proposal, subject to review, approval and preparation of a formal Resolution by the Village Attorney.

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

Village Engineer's Report - Engineer Eve Mancuso stated she has no report.

Claims: **Approved by Village Board.**

Invoice #153202 – RE: Hillburn General Engineering (9/1/18 – 9/30/18) \$320.00

Invoice #153203 – RE: Creelman Road Code Violations (9/1/18-9/30/18) \$ 80.00

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

Satori Energy (Constellation Contract) – Electric Supplier – Expires December 2018 – Renewal Options –

-Tabled pending receipt of proof of savings from Satori Energy.

Insurance

2018 NYS Firefighter Cancer Benefit Program -11/13/18 Email from Garrett Durland – Seely & Durland Insurance – RE: Information Needed to Obtain Quotes -

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien that upon receipt of the requested information from the HFD Chief, it will be supplied to Seely & Durland Insurance, in order to obtain quotes for the NYS Firefighter Cancer Benefit Program.

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

Various Capital Improvements (In accordance with 9/1/16 BAN) –

The Village Board acknowledged receipt of a Financial Report as of 10/31/18, as prepared by the Asst. Village Clerk-Treasurer.

-RE: Comprehensive Plan -Claim filed by Nelson Pope & Vorhees (Period: 9/05/18 – 9/24/18): \$175.00. **Approved by Village Board**

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

Warrant of Unpaid 2018 Village Taxes to Rockland County

The Warrant at 11/01/18, consisting of 34 unpaid 2018 Village Taxes totaling \$57,253.40, was sent to the County of Rockland.

2019 Village Election – Tuesday, March 19, 2019

The Village is in compliance with the Calendar of Dates for NYS Village Elections.

2016 Master Plan Committee –

Committee Secretary, Parquiris DeLeon, reported that there is no meeting scheduled.

-Mayor Flanagan stated he would like to see a meeting scheduled soon.

2020 Census – Local Update of Census Address Operation (LUCA) – Deputy Village Clerk Yvonne Van Dunk is following up with same.

Zoning Board of Appeals – No report

Planning Board – Next meeting: 11/28/18

Building/Fire Inspector’s Report –

The Village Board was in receipt of copies of various correspondence, Violations Notices, etc.

Escrow - Status of Escrow Accounts Report @ 10/31/18 was supplied.

-10/31/18 Inv. #400.421.8 filed by Spence Engineering – (RE: SUEZ Water New York - 8/16/18 Building Permit #082218): \$984.00

Approved by Village Board

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Senior Citizens - No report.

Recreation – A written Report was read by Trustee O’Blenis:

-The AMC Wrestling Event was a success. A donation from the proceeds was made to the Michelle A. Noel Scholarship.

-Request to purchase (2) tables from Staples at the total cost of \$199.98. **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

-Request to purchase new laptops – total expenditure: \$1,000.00. **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Annual Christmas Party – 12/15/18 - Request for \$500.00 Petty Cash for refreshments, decorations and supplies. **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

-Santa Claus is booked on 12/15/18. Price to hire someone: \$200.00-\$300.00. Tabled - Mayor to look into matter.

-Toner is needed for the Imagistics copier. (Matter will be followed up by the Village Office)

RE: Fall Festival – A breakdown of expenditures at 10/24/18 was supplied to the Village Board, reflecting costs for labor and payment to the Town of Stony Point (tabled at 10/16/18 meeting).

Michelle A. Noel Scholarship – Check #1635 was received on 11/13/18 from the Rockland Community Foundation in the amount of \$375.00 representing the 2018 Afterschool Program scholarship awarded for one child. (check given to Village Treasurer for After-School Registration)

39th Annual Interfaith Thanksgiving Service – Tuesday, 11/20/18 at 7:00PM

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to authorize an expenditure not to exceed \$200.00 for catering by Spring Street Deli.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

-Note: Refreshments will also be supplied by participating churches.

41st Annual Tree Lighting Celebration – Sunday, December 2, 2018 at 6:00PM Plans are being made.

Hillburn Sewer Committee – Mayor Flanagan reported rebate applications are still being accepted.

Public Comments –

Delores Hunter (16 Fox Hollow Rd) stated her concern regarding buses pulling out of 260 Route 17 and cars being parked along Route 17 obstructing sight distance.

-Mayor Flanagan stated that no cars are permitted to park along Route 17. New York State will be sending a letter to property owner advising of same.

David Tarrantino (33 Terrace Ave) questioned Mayor Flanagan regarding the status of closing the Route 17S Ramp to minimize through traffic on Terrace Ave.

-Mayor Flanagan stated that it was discussed at the 10/16/18 meeting and residents had voiced opposition.

Ramapo Police Officer Paolucci was present and stated that it would be more effective to place the “No Thru Traffic” signs on Route 59, before motorists turn onto the 4th St. bridge.

-A lengthy discussion pursued with various recommendations including: Contacting GPS and Ways to stop the Terrace Avenue directions being given to motorists; temporarily blocking the ramp/installing a “crash gate” for emergency personnel, and contacting the NYS DOT regarding placement of signs on Route 59.

HFD Chief Shane Starr stated that flags/cables have been placed on Brandt Road (private road) preventing access.

-Matter will be followed up.

Tim Williams (31 Sixth St) stated he was unable to apply for the SUEZ Rebate Program because he is billed by the Village of Hillburn, not directly from SUEZ.

-Mayor Flanagan stated he will look into same.

Purchase of 2019 CFS Tax Software (Payroll) – 2019 Software, Tax Forms and Checks – Cost: \$760.00. **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Request for Use of Community Room

Lighthouse Worship Center – Sunday, 11/11/18 from 9:00AM to 12:30PM – Sunday Worship Service (Power Outage at Church). **Ratified by Village Board**

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Correspondence - The Village Board acknowledged receipt of correspondence, regular and email, including:

-RC Office of Community Development – RE: CDBG Meeting – Wednesday, 11/28/18, 3:00PM, RC Office of Community Development. (Trustees O’Blenis and DeGraw will attend)

-NYS Dept. of Taxation& Finance – Notice of 2019 Tentative Railroad Ceiling.

-Ramapo Supervisor Michael Specht – Invitation to Gala “Tribute to Veterans” Big Band Concert – 11/18/18, Suffern High School, 1:30-4:00PM.

-Village of Sloatsburg – Invitation to special ceremony honoring all Veterans – Tuesday, 11/27/18, Municipal Building, 7:30PM.

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

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to adjourn the meeting at 8:57PM.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None