

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, November 17, 2020 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, November 17, 2020, via GoToMeeting.com, commencing at 7:00PM.

PRESENT: Joseph P. Tursi, Mayor
Bernadette Tarantino, Trustee
Bonnie O’Blenis, Trustee
Terry Rice, Village Attorney
Eve Mancuso, Village Engineer
Thomas Conklin, DPW Superintendent

RECORDER OF MINUTES: Robin G. Miele, Clerk-Treasurer

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The Hon. Mayor Joseph Tursi called meeting to order and led in the Salute to the Flag.

Minutes of the 10/27/2020 Board Meeting - Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

Street & Water Commissioners’ Reports – Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

Police Commissioner’s Report – Mayor Tursi reported he will be contacting the Police Chief regarding an increase in truck traffic on Terrace Avenue.

DPW Report - DPW Supt. Conklin reported:

Water Leak Detection - On 11/4/2020, Northeast Leak Detection identified two substantial leaks (Suffern Road, Industrial Park). A quote from J. Fletcher Creamer is pending.

Garbage Truck – Tires – 11/9/2020 Quote from Mahwah Tire, Inc.: Total: \$990.00 **Approved by Village Board**
(2) Front Tires: @ \$390.00 each = \$780.00
Installation of (6) Tires (2 New Front Tires and
(4) Rear Tires donated from Village of Suffern) = \$210.00

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

-Ejection Cylinder – 9/8/2020 Estimate #0937 from Sanitation Equipment Corp. in the amount of \$4,272.00 (tabled).

Layout and Striping of Roadway – Area of HFD Building – Quote from Jason Duncan: \$700.00 **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

-**DPW Trucks** – Supt. Conklin reported that the 2008 Truck is at Suffern Sales & Service – Replacement Needed: Rear End Housing. At present, only two trucks are in service and the spreader cannot be installed on either truck.

-**Quotes for a New Truck** – DPW Supt. has obtained two quotes:

Schultz Ford: 2020 Ford Super Duty F350 DRW Dump Body: \$47,524 (8’ Plow: \$6,600)
All American Ford: 2019 Ford F-550 Reg Cab Diesel Mason Dump: \$61,352 (Plus Fees: \$ 424)

-Attorney Rice stated that, in accordance with the Village’s Procurement Policy, the purchase is subject to competitive bidding, unless:

- The vehicle is purchased under State or County Contracts
- Written legitimate proof is submitted by the DPW Supt. that
 - it is an emergency
 - vehicle is not available from any other dealership

-This matter, along with funding, will be discussed by the Village Board and DPW Supt.

-Building/Fire Inspector Gordon suggested the Village review a “Mini-Bid” process.

Trees – O & R has supplied written notification of scheduled tree pruning within the upcoming weeks (Contractor: Nelson Tree Service).

7:18PM

A MOTION was made by Trustee O’Blenis and seconded by Trustee Tarantino to suspend the regular meeting in order to hold the duly scheduled Public Hearing.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

Public Hearing – Proposed Amendment to the 6/14/14 Cable Franchise Renewal Agreement

A MOTION was made by Trustee Bonnie O’Blenis and seconded by Trustee Bernadette Tarantino to open the Public Hearing.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

The duly posted and published Public Hearing Notice was read by Mayor Joseph P. Tursi. (Copy Attached)

Mayor Tursi asked Village Attorney Terry Rice to explain the proposed Amendment.

Attorney Rice stated that the Board had commissioned the review of payments that the village was entitled, under the Franchise Agreement.

As a result of the resolution, it was agreed that the definition of the gross receipts of the Franchise Agreement would be amended to include fees charged for program guides, installation and equipment rentals, and revenues from late or delinquent charged fees.

Mayor Tursi asked if anyone had a comment on the Public Hearing. He made notice that Robert Hoch, Esq. (Attorney for Altice), was present at the Public Hearing.

Attorney Robert Hoch stated that he was available for any questions.

Mayor Tursi acknowledged that there were no public comments. He also thanked Attorney Hoch for resolving this issue, although the process took a long time. Mayor Tursi said that he was looking forward to keeping the franchise in the village as a provider for cable.

Attorney Hoch thanked the Mayor and the members of the Board.

A MOTION was made by Trustee Bernadette Tarantino and seconded by Trustee Bonnie O’Blenis to close the Public Hearing and to reopen the regular meeting of the Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Regular Meeting resumed.

A MOTION was made by Trustee Bernadette Tarantino and Seconded by Trustee Bonnie O’Blenis to approve the attached amendment to the 6/14/2014 Cable Franchise Agreement between the Village of Hillburn and Cablevision (Altice).

Ayes: Joseph P. Tursi, Mayor
Bernadette Tarantino, Trustee
Bonnie O’Blenis, Trustee

Noes: None

DPW Report (continued)

Tropical Storm Isais – Public Assistance - NYS Dept. of Homeland Security & Emer. Services (DHSES) – The Village clerk reported that on 11/3/2020, several counties, including the Rockland, were added to the Major Disaster Declaration (FEMA-4567-DR)., the required DR-4480 Request for Public Assistance (RPA) was submitted to the NYS DHSES on 11/16/2020 for filing with FEMA. Upon approval by FEMA, an assistant will be designated for the Village of Hillburn.

Purchase of Fuel – At present, the Village purchases fuel from Pilot. Mayor Tursi reported the Village of Suffern has its own fuel tanks and has offered to allow the Village of Hillburn to purchase/obtain fuel from them.

-Attorney Rice stated that an Inter-municipal Agreement is required. Matter will be followed up on.

Cleaning of Village-owned Buildings – Mayor Tursi stated he does not feel the DPW should be responsibility for the cleaning of the Village Office, Youth Center and Community Room, and requested a bid package be prepared to contract with a private company.

Proposed Shared Services Agreement between the NYSDOT and the Village of Hillburn

A MOTION was made by Trustee Tarantino and seconded by Trustee O’Blenis to enter into the Shared Services Agreement with the NYSDOT, subject to confirmation by the Village’s insurance agent that the Village’s insurance covers the indemnification provision.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

-RE: COVID-19 Update

Mayor Tursi reported that one member of the HFD has tested positive for COVID-19. Accordingly, required measures are being taken, including quarantine of individuals that were in contact, and lock down of the HFD/Community Room Building. HFD Chief Starr has notified 44-Control that mutual aid will be needed on all calls. At present, no additional cases have been reported. Mayor Tursi advised there may be state-wide lockdowns in the near future and additional masks, gloves, etc. should be obtained.

H.F.D. Report – Chief Shane Starr

-Penflex – LOSAP - Service Fee Agreement – 11/1/2020 – 10/31/21

A MOTION was made by Trustee O’Blenis and seconded by Trustee Tarantino authorizing the Mayor to sign the 2020-2021 Service Fee Agreement as follows:

Base Fee:	\$3,550.00 (\$100 change from 2019)
Preparation of Financial Statement Disclosures:	
NYS LOSAP Audit Package	495.00 (\$0 change from 2019)
GASB 73 Package	950.00 (\$0 change from 2019)
	<u>\$4,995.00</u>

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

-RBC Wealth Mgmt – Portfolio Account Statement (October, 2020)

FireGrants Help – Grant Application: Brush/Quick Attack Truck Replacement Project – The \$3,000.00 Full Application Assembly Grant Writing Fee had been paid by the Village.

-A 10/28/2020 Email was received from FEMA Grant Programs Directorate advising that the Village did not qualify for the grant.

SAM Capital Funding Grant Application – Sponsored through Assemblywoman Jaffee’s Office – Funding Application: Purchase of Scott Air Packs and Back Hoe – Application to be updated to replace the Scott Air Packs with a Storage Building.

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 – Competitive alternatives being offered by O & R regarding LED lighting – no further report.

Water

-Leak Detection Service –Northeast Water Technology–Two leaks were confirmed/detected (reported by DPW Supt.):

- Area of the building at 143 Route 59 – A discussion was held on possible scenarios depending on the location of the break. If the break is on the side of the building, it may be able to be repaired and/or line the pipe. If the leak is located under the building, the pipe would have to be rerouted around the building.
- Area of 12 Suffern Road.

J. Fletcher Creamer will be contacted to provide quotes for repairs. Mayor Tursi stated that while the cost for the repairs may be high, the monthly bills from SUEZ New York should be much lower.

-A discussion was held on funding for repairs to the Village’s water infrastructure, including the “Drinking Water Revolving Fund”.

Village Attorney reported he had spoken with Engineer McCreedy of Civil Design Works, LLC, regarding seeking assistance from the RC Health Dept.

-SUEZ Water New York – Bill of 11/09/2020: \$26,502.05 – *Includes new “COW (Cost of Water) fee”.

Attorney Rice stated he will determine the PSC representative to contact regarding the additional COW fee.

A MOTION was made by Trustee Tarantino and seconded by Trustee O’Blenis that payment of the 11/09/2020 bill from SUEZ Water, less the COW Fee, be paid in protest, and the Village’s check be so noted.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Village Engineer’s Report – Engineer Mancuso reported:

-7/3/2020 Claim (Rec’d 9/23/2020) – Brooker Engineering - Inv. #157791 – Creelman Road Code Violations - \$173.00.

Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

-11/9/2020 Claim – Brooker Engineering – Inv. #158717 – T. Scott – RE: Building Permit #091220 - \$86.50

Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

RE: 2020 Repavement Project – Project Funding: CHIPS –

Engineer Mancuso reported that the project was completed successfully.

11/9/2020 Claim – Brooker Engineering – Inv. #158719 – 2020 Road Repaving Program - \$1,480.25. **Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

-A Certified Reimbursement Form and substantiating documents were submitted to the NYS DOT CHIPS Program, in the total amount of \$83,110.32.

Budget Amendment – RE: CHIPS

A MOTION was made by Trustee Tarantino and seconded by Trustee O’Blenis to amend the 2020-2021 Budget as follows:

Estimated Revenue: A3501 – Consolidated Highway Aid (CHIPS) Increase from \$80,000 to \$85,000

Appropriations: A51122 - Permanent Improvements (CHIPS) Increase from \$80,000 to \$85,000

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Constellation Electricity Contract – Expires 12/14/2020

Satori Energy provided a proposal for Electrical Contract Renewal on 11/3/2020 and same was provided to the Village Board and Village Attorney for review.

A MOTION was made by Trustee O’Blenis and seconded by Trustee Tarantino to renew the Electrical Contract with Constellation for a 12 month period at the retail service price of \$0.05293 (\$/kWh).

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Village Attorney’s Report – Attorney Rice reported:

Hillburn vs. Noved/Nicholas Cianciaruso, et. al – RE: Status of 5/28/20 Order signed by Judge Eisenpress:

A conference was held on 11/16/2020 with Judge Eisenpress –

-Primary Issue: Remediation of Site. Mr. Getchell of Weston and Sampson (Engineering firm selected to do the soil sampling) has prepared a report setting forth a proposal for remediation including additional soil testing, test wells and monitoring of wells to determine to see if contaminants got into the aquifer. The results of the additional testing will determine how much soil has to be removed. Judge Eisenpress has stated that she will not delay her decision on summary judgement in order to wait for the outcome of pending NYS DEC administrative proceedings against Mr. Cianciaruso and the property owner (Van Shaik).

-Attorney Rice reported he will submit a Judgement to the Court for signature to be enforced against the defendants' assets that will include the following amounts owed to the Village:

- Balance of Village Expenses: \$87,276.52 - The 5/28/20 Order requires the defendants to pay the Village's expenses in the amount of \$127,276.82. At this date, only \$46,000 has been received.
- Liquidated Damages: \$200,000.00 – The 5/28/20 Order finds the defendants to be in contempt of the 8/3/18 signed stipulation, and requires they pay a total of \$400,000 to be equally divided between the Village of Hillburn and the County of Rockland.

Warrant to Rockland County of Unpaid 2020 Village Taxes

The Warrant of Unpaid 2020 Village Taxes at 11/01/20, including penalty, was sent to the County of Rockland on 11/2/20. Said Warrant reflected \$62,039.43 due to the Village and consisted of (37) unpaid 2020 Village Tax Bills.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

2020 Assessment Roll

-TOKNY Realty Group, LLC v. Hillburn Board of Assessors – Index No. 031947/2020 – Petition: Tax Year 2020/2021 (Received 6/1/2020) – A copy of the 2017 appraisal of the respective property was provided to Scott Shedler.

2021 Assessment Roll – Taxable Status Date: 1/01/2021.

-At present, Scott Shedler will provide assessing services on a contractual basis (rate to be determined).

RE: Position of Village Assessor

A MOTION was made by Trustee Tarantino and seconded by Trustee O'Blenis to submit required documentation to the RC Department of Personnel to create the position of Village Assessor.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

-Scheduling of workshop meeting is pending.

RE: Vacant Village-owned Property - 12/18/2018 Applications for Refund or Credit of Real Property Taxes filed with the RC Real Property Tax Director - Imposition of special ad valorem assessments Rockland County Solid Waste Management Authority (RCSWMA) for solid waste charges. At this date, no response has been received by the Village.

Insurance –

NYS Volunteer Firefighter Cancer Benefit Program - 2021 Census Request was completed and submitted. The coverage will automatically renew on January 1, 2021 at the same rates as 2020.

Comp Alliance - Notice of Video Conference Training Dates (Workplace Violence, Right-to-Know – Chemical Safety and Blood-borne Pathogens); Correspondence with enclosed Reusable, washable face masks.

Emergency Preparedness Plan –

A new law was signed by Governor Cuomo on 9/7/2020 requiring employers to create plans to protect employees in the event of another public health emergency declaration in NYS. Deadline date: 4/1/2021.

-A workshop via teleconference was held today at 6:00PM, prior to the Board meeting, to commence the development of an Emergency Preparedness Plan, using the draft plan provided by Tim Riecker of Emergency Preparedness Solutions, LLC

-The Village Attorney will review the draft and provide input at the next meeting.

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

-A 10/31/2020 Financial Report was supplied.

2016 Master Plan Committee – Comprehensive Plan & Related Zoning – Adopted 1/14/2020

Proposed Revisions to the Zoning Local Law – A draft of the proposed Zoning amendments, prepared by Bonnie Franson, was supplied by Attorney Rice today, 11/17/2020.

Building/Fire Inspector Gordon stated he will review the draft.

General Code Publishers

-Proposal/Estimate for Updating Village Code Book - Between \$6,985.00 and \$7,630.00. (Tabled at 8/18/20 meeting until proposed revisions are made to Zoning Code).

-Proposal for Laser fiche – A teleconference meeting with a representative from General Code will be scheduled in the new year.

2021 Village Election – Tuesday, 3/16/2021.

Zoning Board of Appeals – No report.

Planning Board – Next meeting is scheduled for 11/18/2020 via GoToMeeting.

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

-A Building Permit has been issued for the construction of new home (194 Route 17)

-Building violations are being followed up on

-2020-2021 Fire Permits – Inspections are being made.

-The Village Board acknowledged receipt of copies of various correspondence from the Building/Fire Inspector and Asst. Building Inspector.

-Request to Purchase Cover for Village Cell Phone - Cost: \$60.00 **Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis
Noes: None

Escrow –

Status of Escrow Accounts Report @ 11/17/20 was supplied.

Senior Citizens – No report.

Recreation –

-RE: Proposed Online Schooling Supervision Program at Youth Center – A workshop meeting was held with Kelly Henry, a teacher in the Suffern Central School District, regarding the proposed program. Due to the COVID-19 requirements (cleaning, staff and equipment needed) it was the consensus of the Village Board that the proposed program is not feasible

Hillburn Sewer Committee (Hillburn Village Board) - No report.

Brandon Stock - Proposed Eagle Scout Project - 5th St. Recreation Field Basketball Court Renovations – A Free-Throw Contest was held on 11/7/2020 at 10:00AM, thus completing the Eagle Scout Project. The Village Board thanked Brandon Stock for the excellent job done in renovating the Village’s basketball court and wished him well in his endeavor to become an Eagle Scout.

2020 Halloween Event – The Village’s drive by Trick or Treat event at the Youth Center Field on Halloween went well..

Interfaith Thanksgiving Service – The service will be held on Tuesday, November 24, 2020 via go via teleconference. The link will be posted on the Village’s website and facebook page.

Brook Church Pre-Thanksgiving Drive-Thru Dinner – Mayor Tursi reported that the event was a great success.

-Patricia Osterhoudt thanked the Village Board members for their support and participation.

2020 Christmas Tree Lighting Celebration – Sunday, 12/6/2020

Due to COVID-19, there will be no refreshments following the lighting.

-Patricia Osterhoudt suggested the Village purchase fillable ornaments to be provided to residents so that they can place pictures and/or names of lost loved ones inside to make “Memorial Picture Ornaments”. The ornaments can be hung on the tree at the Christmas Tree Lighting Celebration.

The Village Board approved the idea and authorized the purchase of the ornaments.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Public Comments –

-Patricia Osterhoudt expressed her appreciation to the Village Board and Village Staff for their work to keep the Village running during the pandemic.

Applications for Use of Village Property

Use of Youth Center - Hillburn Ladies Aux. – 11/21/2020 / 5:00PM – Movie Night - Due to the increase in COVID-19 cases, the approval granted by the Village Board on 10/27/2020 is rescinded. (Applicant to be notified)

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Community Room – Hillburn Ladies Aux. – Tuesday-Friday, 12/8, 9, 10 & 11 –Saturday, 12/12/20 (Until 5) – Workshops for Christmas Caroling. **Approved, subject to COVID-19 status and protocols.**

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Office of Real Property – RPS Annual Licensing Fee for Fiscal Year 2020-2021: \$750.00 **Approved by Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

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

-RC Dept. of Planning – GML Review – Town of Ramapo – Partial Building Permits – Disapproved.

Voucher Claims and Budgetary Transfers to Cover Approved Expenditures - Approved by Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

MOTION was made by Trustee Tarantino and seconded by Trustee O’Blenis to adjourn the meeting at 8:40PM.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None