

VILLAGE OF HILLBURN  
Board of Trustees Meeting  
Tuesday, October 24, 2017 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, October 24, 2017, 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 (arrived late)\*  
Bonnie R. O’Blenis, Trustee  
Elizabeth K. Cassidy, Village Attorney  
Thomas M. Conklin, DPW Supt.  
Mary M. Boone, Clerk-Treasurer

**RECORDER OF MINUTES:** Robin Miele, Asst. Clerk-Treasurer

Meeting called to order by the Hon. Craig M. Flanagan, Jr., Mayor. Village Attorney Cassidy led in the Salute to the Flag.

**Minutes of the 10/10/17 Meeting – Tabled until arrival of Trustee DeGraw**

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

Ayes: Mayor Flanagan & Trustee O’Blenis

Noes: None

**Police Commissioner’s Report** - Deferred until the arrival of a Ramapo Police Officer.

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

Purchase of New Tractor – Supt. Conklin reported Sosler’s Garden & Farm Equipment, Inc. delivered the tractor on 10/16/17, and took the old tractor (trade-in). The snow blower attachment was also received; however, it is not attached as the mower feature is still in need.

H.F.D. Building – Supt. Conklin reported On-Time Roofing resealed the flat roof on the H.F.D. building. Confirmation that leak is repaired is needed.

Repair of 2001 GMC DPW Truck – Repair completed by Engines Plus, Inc. Although the 9/28/17 Estimate was between \$1,200.00 and \$1,500.00, actual cost was \$800.00.

Flushing of Hydrants – Supt. Conklin reported that, as scheduled, the hydrant flushing was done on 10/17, 18, 19/17. The “crash column” on one hydrant located at Sixth St. & Boulder Ave. was broken. Parts are on order. H.F.D. has been advised.

-Mayor Flanagan recommended an inventory be conducted and a supply of parts be kept in stock.

**7<sup>th</sup> St. Drain Pipe Project – Phase II**

The Village Engineer supplied a 10/16/17 memo confirming her review of the 8/21/17 estimate from Scaffidi’s Paving & Drainage, approved by the Village Board on 10/10/17, and recommending that the contractor be authorized to proceed.

Agreement with Scaffidi’s Paving & Drainage – Two copies of the Agreement, with Insurance Addendum, were signed by the President of Scaffidi’s Paving & Drainage and returned for execution by the Village.

-Pursuant to review by the Village Attorney, the Village Board authorized Mayor Flanagan to sign the Agreement.

Supt. Conklin reported he has been in touch with Scaffidi’s Paving and Drainage who advised that the materials have been ordered. Project is scheduled to start in approximately 2 weeks.

-Mayor Flanagan stated that proper notification is to be given to residents in area.

**RE: RC Sewer District – Removal of Contaminated Soil Dumped in the Village Hillburn**

Supt. Conklin reported that the project is complete – all soil has been removed and area has been graded off.

-Mayor Flanagan mentioned the complaints that were received. Supt. Conklin stated no dumping was done.

**SUEZ Water New York – Discrepancy Regarding Bill of 7/20/17: \$58,485.97**

-Supt. Conklin reported that SUEZ Water has been in the Village testing for leaks and one may have been located on Route 17 in the area of Mt. Fuji. Matter will be followed up on when he gets back from vacation (11/1/17). Required mark-outs will be requested.

\*Trustee DeGraw arrived at meeting.

**Hudson Valley Water Works Conference – 11/8/17 – Montgomery, NY** – Supt. Conklin requested authorization to attend the Conference, at the cost of \$30.00. Attendance will count as 5.0 PDHs towards fulfilling the required Water Certification contact hours. (Approved by Village Board)

**O & R – RE: NY Public Service Commission Case 16-E-0226; O & R’s Add’ l LED Street Lighting Options**

**Available to Municipalities** – Upgrade 9 streetlights to LED at no additional fee – Location: 4<sup>th</sup> St. Corridor. Supt. Conklin has been in contact with O & R representatives regarding the scheduling of the upgrade.

**Minutes of the 10/10/17 Meeting – Approved by Village Board**

Ayes: Deputy Mayor DeGraw & Trustee O’Blenis

Noes: None

Abstention: Mayor Flanagan (absent from meeting)

**4<sup>th</sup> Street Railroad Bridge** – Village Clerk-Treasurer. Matter is being followed up by Phil Tisi, Town of Ramapo Communication Director and Mayor Flanagan.

**HFD Report – Chief Starr not present – No report.**

**Village Engineer's Report - Engineer Eve Mancuso not present (Vacation)**

-Engineer Mancuso has advised that a representative of Brooker Engineering is available while she is away on vacation, if needed.

-7<sup>th</sup> St. Drain Pipe Project – Phase II –10/16/17 memo supplied, as reported earlier.

-Hillburn Youth Center HVAC Replacement Project - The Village Engineer supplied a 10/16/17 memo confirming her review of the Bid Documents and Change Order #1, approved by the Village Board on 10/10/17, and recommending that the contractor be authorized to proceed, subject to receipt of required license and insurance documents.

**Hillburn Youth Center HVAC Replacement Project –**

Contractor, E.B. Design Air, is scheduled to begin the project on 10/27/17.

**Village Attorney's Report – Attorney Cassidy reported:**

Energy Contract with Hudson Energy - Attorney Cassidy reported she had contacted a representative and requested renewal proposals be submitted prior to the 11/14/17 Board Meeting.

**Vehicle & Traffic Concerns**

-Speed Limit Reduction - A review has revealed that the speed limit cannot be lower than 30mph.

-Thru-Traffic on Terrace Avenue – The “No Thru Traffic” sign can probably be moved to the Route 59, at the entrance of the 4<sup>th</sup> Street Bridge. Matter will be further reviewed.

-Village Clerk-Treasurer Mary Boone recommended placement of a “Stop” sign at the end of the 4<sup>th</sup> Street Bridge (intersection with Terrace Avenue), thus making a 3-way Stop at the Terrace Avenue/4<sup>th</sup> Street intersection.

-Speed bumps were also discussed by the Board members and the need for a traffic study.

**Position of Building/Fire Inspector**

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to RESCIND the Resolution adopted by the Village Board on 10/10/17 that abolished the position of Building/Fire Inspector and created the position of Building Inspector and the position of Fire Inspector.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to RESCIND the Resolution adopted by the Village Board on 10/10/17 that appointed Adam L. Gordon to the position of Fire Inspector and appointed Sean W. Tichenor to the position of Building Inspector.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**Resolution to Appoint Assistant Building Inspector**

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

WHEREAS, the established position of Assistant Building Inspector is presently vacant;

WHEREAS, the Village Board of Trustees has determined that it is in the best interest of the Village to have additional support in the area of code enforcement;

NOW THEREFORE, BE IT RESOLVED that the Village Board of Trustees hereby appoints Sean W. Tischner to the position of Assistant Building Inspector, at the rate of \$18.00 per hour, subject to approval of Rockland County Civil Service;

BE IT FURTHER RESOLVED that this appointment shall take effect immediately

Ayes: Craig M. Flanagan, Jr., Mayor

Eleanor DeGraw, Trustee

Bonnie O’Blenis, Trustee

Noes: None

RESOLUTION was unanimously adopted.

**Verizon 5 Year Special Franchise Agreement – Expiration Date: Oct. 2017** – Attorney Cassidy reported she was in receipt of a revised 5 Year Draft Franchise Agreement from Verizon and provided the Village Board with a summary of changes.

In lieu of free hook-ups for all Village-owned vehicles (presently provided by Cablevision), an amount of \$2,250 will be provided to the Village, in addition to the annual \$1,500 PEG Grant earmarked for public outreach purposes.

-DPW Supt. was requested to provide an update on the double poles in the Village.

-The Village Board approved the Draft Franchise Agreement. Attorney Cassidy will notify Verizon. A Public Hearing will be scheduled at the 11/14/17 Board meeting.

**Resolution to Introduce Local Law 2 of 2017 – A Land Use Moratorium**

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

**WHEREAS**, the Village of Hillburn is in the process of preparing a comprehensive plan and updating its subdivision and zoning law;

**WHEREAS**, the Village of Hillburn has appointed Nelson, Pope & Voorhis, LLC to prepare a comprehensive plan and zoning law updates;

**WHEREAS**, the Village has appointed a Comprehensive Plan Committee to evaluate the needs of the Village and develop a comprehensive plan;

**WHEREAS**, the Comprehensive Plan Committee together with Nelson, Pope & Voorhis, LLC has made significant efforts toward developing a comprehensive plan and zoning law amendments and anticipates that draft documents will be ready in approximately six to nine months;

**WHEREAS**, the Village wishes to avoid land use applications that would be inconsistent with the proposed comprehensive plan and zoning update;

**WHEREAS**, the Village Board of Trustees, in consultation with its consultants, has determined that it is in the best interest of the Village to impose a moratorium on certain land use and building permit applications;

**NOW, THEREFORE BE IT RESOLVED**, that Introductory Local Law 2 of 2017, a Local Law Imposing a Moratorium on Land Use Approvals and Building Permits is hereby introduced before the Village Board of Trustees;

**BE IT FURTHER REOLVED** that copies of the aforesaid introductory local law be laid upon the desk of each member of the Board, and;

**BE IT FURTHER RESOLVED** that a land use moratorium is a Type II action under the State Environmental Quality Review Act and no further environmental review is required.

**BE IT FURTHER RESOLVED**, that Introductory Local Law 2 of 2017 shall be referred to the Rockland County Department of Planning, Town of Ramapo, Village of Suffern, Town of Mahwah, NJ and Palisades Interstate Park Commission pursuant to General Municipal Law 239-II et seq.

**BE IT FURTHER RESOLVED**, that a public hearing shall be held on December 12, 2017 at 7:15 P.M. or as soon thereafter as may be heard in the Mary M. Boone Meeting Room, 31 Mountain Avenue, Hillburn, NY 10931;

**BE IT FURTHER RESOLVED** that the Village Clerk/Treasurer shall cause to be published public notice in the official newspaper as required by law.

Ayes: Craig M. Flanagan, Jr., Mayor  
Eleanor J. DeGraw, Trustee  
Bonnie R. O’Blenis, Trustee  
Noes: None  
Abstain: None

A Public Hearing on Introductory Local Law 2, 2017 will be held on 12/12/17 at 7:15PM.

**Village of Hillburn vs. Nicholas Ciancioruso, et.al. (Creelman Road) - RE: Litigation Regarding Illegal Operation of a Contractor’s Yard on Property located on Creelman Road in Violation of Stop Work Order**

Representation Letter (Special Counsel) – Violations on Parcels owned by Outdoor Properties and Douglas VanSchaik  
IT WAS RESOLVED by the Village Board to approve the Representation Letter and Deputy Mayor Eleanor DeGraw be authorized to sign the Representation Letter – RE: Special Counsel - Jacobowitz & Gubits, LLP.

Ayes: Eleanor DeGraw, Deputy Mayor  
Bonnie O’Blenis, Trustee  
Noes: None  
Abstention: Craig M. Flanagan, Jr., Mayor

**Stonework Estates, Inc., Kristian Matthews and Legacy Stoneworks, Inc. v. Village of Hillburn, Village of Hillburn Zoning Board of Appeals and Adam Gordon as Code Enforcement Officer for the Village of Hillburn –**

–Attorney Cassidy stated matter is fully settled. A fully executed Stipulation with attachments is forthcoming.  
**Claim – Law Office of Elizabeth Cassidy - \$210.00 – Approved by Village Board.**

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

**Village of Hillburn v. Losner** – Attorney Cassidy stated matter to be discussed in Executive Session.

**Williamson Law Book Co. – Annual Software Support Contract (Water Billing)**

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis authorizing the Mayor to sign the Annual Software Support Contract (p/e 9/2018) at the cost of \$949.00.

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

**Insurance** – NYS Insurance – General Notice regarding a new policy for Late Payments.

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

A Financial Report as of 9/30/17 was supplied by the Village Clerk-Treasurer.

**Tax Certioraris – (2014, 2015, 2016, 2017)** – To be discussed in Executive Session.

**2018 Village Election – Tuesday, March 20, 2018**

The Resolution stating the offices to be filled at the 3/20/18 Election was sent to Party Chairpersons and Incumbents.

**2018 Assessment Roll** - The Taxable Status Date is January 1, 2018.

**2016 Master Plan Committee** –

Committee Secretary, Parquiris DeLeon, reported the next meeting is scheduled 11/4/17 at 10:00AM.

-RE: Online Survey - The Committee has created a survey, to be completed by Village property owners, as a means to gather opinions on the future development of the Village. Means of distribution of the link and individual survey codes are being determined, possibly enclosed with the November 2017 Village Memo. Arrangements will be made for those who do not have access to a computer.

-The Village Clerk-Treasurer commented on #20 on the survey – RE: Residency.

-Attorney Cassidy stated Bonnie Francin will be contacted to discuss the insert.

**2020 Census – Local Update of Census Address Operation (LUCA)** – It was the consensus of the Village Board that the Village of Hillburn participate in the 2020 Census LUCA. Required forms will be completed.

**Community Development** –

**2018 CD Program** –Appointment of two (2) additional members to the Citizens Advisory Committee is still needed. The two required Citizens Advisory Committee Meetings are scheduled for Thurs., Nov. 2<sup>nd</sup> and Tues., Dec. 5<sup>th</sup> – 7:00PM

**Warrant of Unpaid 2017 Village Taxes to Rockland County**

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis authorizing the Village Clerk-Treasurer to prepare and submit the Warrant of Unpaid 2017 Village Taxes at 11/01/17, including penalty, to the County of Rockland.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**Zoning Board of Appeals** – No report – no pending applications.

**Planning Board** –

RE: Membership

A MOTION was made by Trustee O’Blenis and seconded by Trustee DeGraw to accept the 10/23/17 Letter of Resignation from the Hillburn Planning Board submitted by Irving Stryko , effective immediately.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

**Building/Fire Inspector’s Report** – Inspector Adam Gordon not present.

-Bldg./Fire Inspector Gordon submitted a memo advising that he will be away on vacation from 10/27-11/8/17. Thomas Buckley, Jr. will provide coverage, if needed.

-Attorney Cassidy reported that Inspector Gordon had provided her with documents he had obtained at the 10/5/17 Illegal Housing Code Enforcement he had attended at the RC Fire Training Center.

**Escrow**

Status of Escrow Accounts Report @ 9/30/17 was supplied. (There are claims pending before the Planning Board)

**Senior Citizens** –

Liaison, Trustee DeGraw, reported she had attended the 10/23/17 Senior Citizens meeting. The Village Board was invited to the 12/11/17 Christmas Party that will commence at 6:00PM at the Crowne Plaza. Cost for Guests of the Mayor & Trustees: \$40.00 each. RSVP by 12/1/17.

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

**2017-18 After School Program** – Everything is going well.

**Halloween Party** is scheduled for Monday, 10/30/17 (During Afterschool Program).

**2017 Camp Program** –

**Fee** - A \$25.00 increase of the fee is recommended, for a total of \$450.00 for residents and \$550.00 for non-residents, for the 5-week program (does not include Swim Program).

-RE: Payment Plan – This plan will once again be offered to residents. Approval was requested to hold registration for the payment plan on 1/20/17. A down payment of \$150.00 will be required at the time of registration.

-A separate Registration will be held for the Camp and Swim Programs at a later date.

**Annual Christmas Party** – The Village Board approved the date of 12/16/17 from 2:00PM-4:00PM.

**Hillburn Sewer Rebate Committee** – Trustee DeGraw reported an application is pending. Applications are still being received.

**10/23/17 Request for Removal of Guardrail at Intersection of 6<sup>th</sup> St. & Mountain Ave. (area of 45 6<sup>th</sup> St.)**

The Board reviewed the request submitted by Tom Scott, Jr. for the removal of the guardrail that is in front of his property located at 45 6<sup>th</sup> Street. The Board acknowledged the installation of a stone retaining wall; however, it was the consensus that it is not an adequate barrier and the request for removal of the guard rail was denied.

**Public Comments**

**Carolyn Caccamo (27 Terrace Avenue)** – A 7/21/17 letter received was from the Building/Fire Inspector – RE: Complaint filed in the Village Office alleging a violation concerning material placed upon the property of another without consent of the owner. Ms. Caccamo stated she had provided a letter to the Village Board regarding the matter and as of this date, has not received a response. Ms. Caccamo stated she had also spoken with the Village Attorney regarding the matter that concerned bark from a tree located on her neighbor's property that falls onto her property.

-Attorney Cassidy stated the matter is being treated as a civil matter she handed a letter to Ms. Caccamo stating same.

-Ms. Caccamo requested a copy of the letter also be supplied to her neighbor, the Complainant. (Attorney Cassidy will follow up on same)

The Public Comment period was closed.

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

-A Thank You received from the Flanagan Family, conveying appreciation to the Village of Hillburn for the expression of sympathy on the passing of the mother of Recreation Director Angie Flanagan.

-Action Form submitted by Owner of 25 Mountain Avenue – Matter determined to be a civil matter.

**Auditor**

O'Connor Davies – Annual Financial report Update Document and Financial Statements & Supplementary Information for y/e 5/31/17 – copies supplied to Village Board.

-Mr. Kassay of O'Connor Davies will be present at the 11/14/17 Board Meeting.

**Auditing Services**

-O'Connor Davies has submitted a proposal for years 2018-2019, 2019-2020, 2020-2021 and 2021-2022. (No Action by Board)

-Additional proposals will be solicited.

**Appointment of Planning Board Member**

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Blenis to approve Mayor Flanagan's appointment of Rhonda Jennings as a member of the Hillburn Planning Board for the unexpired five year term ending April 2018, created by the 10/23/17 resignation of Irving Stryko.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

**2017 Local Government Records Management Improvement Fund Grant (LGRMIF)** – Grant Award: \$28,631.00 – 50% of Award has been received. Documents will be boxed up and sent for scanning with the Contractor, NYSID/ New York State Industries for the Disabled, Inc.

11/21/17 Interfaith Service - A Planning Meeting was scheduled for Wednesday, November 8, 2017.

**Scheduled December 2017 Village Board Meeting:** December 12, 2017.

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

A MOTION was made by Trustee O'Blenis and seconded by Trustee DeGraw to adjourn the meeting at 8:20PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None