

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, October 29, 2019 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, October 29, 2019, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 7:00PM.

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

ABSENT: Eve Mancuso, Brooker Engineering

RECORDER OF MINUTES: Robin Miele, Clerk-Treasurer

Meeting called to order by the Hon. Mayor. Former Village Attorney, Elizabeth Cassidy, led in the Salute to the Flag.

Minutes of the 10/15/19 Meeting - Approved by Village Board.

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

Street & Water Commissioners Report - Approved by Village Board.

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

Police Commissioner’s Report – Police Commissioner Mayor Tursi reported he had spoken with Ramapo Police Chief Weidel and Sgt. Youngman regarding the protocol for Officers issuing tickets.

4th Street Railroad Bridge – Town of Ramapo Project

Mayor Tursi stated he had spoken with Paul Gdanski of the Town of Ramapo regarding the project that was to have commenced on 10/28/19. Mr. Gdanski advised that MetroNorth has not provided the required permit, thus delaying the project. Hopefully, the project will begin next week.
-HFD Chief Starr supplied a copy of his 10/24/19 email to 44-Control and Suffern Fire Department regarding mutual aid during 4th St. Bridge closure.

HFD Report – Chief Starr not present

-Penflex – LOSAP - Service Fee Agreement – 11/1/2019 – 10/31/20 (\$0 Change from 2018):

A MOTION was made by Trustee O’Blenis and seconded by Trustee Tarantino authorizing the Mayor to sign the 2019-2020 Service Fee Agreement as follows:

Base Fee:	\$3,450.00
Preparation of Financial Statement Disclosures:	
NYS LOSAP Audit Package	495.00
GASB 73 Package	950.00
	<u>\$4,895.00</u>

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

-FireGrants – The Village is working with the grant writer to apply for funding to purchase a new mini-pumper.

Village Auditor’s Report – FYE 5/31/19 (Berard & Associates CPAs, P.C.)

Representative of Berard & Assoc. CPAs, P.C. present: Clarissa Stadnick (Lead CPA for Audit)
-Ms. Stadnick distributed copies of the Auditor’s Report for FYE 5/31/19 and reviewed same with the Village Board.
-Ms. Stadnick stated that the Village of Hillburn is in sound financial shape, in accordance with the YE 5/31/19 Audit.
-The Village Board had no questions regarding the Auditor’s Report and thanked Ms. Stadnick for her work on behalf of the Village of Hillburn.
-Ms. Stadnick collected the distributed Auditor’s Reports from the Village Board and stated she will provide the Report, when finalized.

7:20PM

A MOTION was made by Trustee Tarantino and seconded by Trustee O’Blenis 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 Local Law No. 5 of 2019 – to Extend the Moratorium for an Additional 3 Months

The duly published and posted Notice of Public Hearing was read aloud by the Village Clerk.
Village Attorney Rice stated that the 2016 Master Plan Committee requires additional time to complete the preparation, GML/SEQR reviews and public hearings regarding the proposed Comprehensive Plan and Zoning Local Law. The proposed Local Law No. 5 of 2019 would provide 3 additional months to complete the required tasks.

Hearing was opened for public comments. There was none.

A MOTION was made by Trustee O’Blenis and seconded by Trustee Tarantino to close the public hearing and reopen the regular meeting of the Village Board.

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

A MOTION was made by Trustee Tarantino and seconded by Trustee O’Blenis to adopt proposed Local Law No. 5 of 2019 as Local Law No. 5 of 2019.

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

Village Attorney's Report – Village Attorney Terry Rice

Village of Hillburn vs. Losner – Attorney Rice reported that, as scheduled by the Court, an exterior/interior inspection of the dwelling at 53 Sixth St. was conducted by Brooker Engineering and Aufgang Architects, in the presence of the property owner and Building/Fire Inspector Gordon. Formal reports are forthcoming. The next court date regarding the matter will be held in two weeks.

-Hillburn vs. Nicholas Cianciuruso, et. al. - Attorney Rice reported that the Court sanctioned the defendants' Attorney \$1000 for failure to appear on a scheduled Court date. Further, due to the failure of the defendants' to provide required testing of the soil placed at the site, the Court provided the names of three, non-partial companies and, as requested by the Judge, the Village Attorney selected one to perform the testing.

-Several days of hearings have also been held regarding the County of Rockland's Order of Contempt filing against the defendants for Violation of the Stipulation of Settlement, including releasing the required Monitor and continuing to bring materials to the site. Building/Fire Inspector Gordon will testify on Tuesday.

-Cianciuruso will then put on witnesses and evidence regarding the Order of Contempt he has filed alleging the Village has delayed his applications for Waiver of Moratorium and Planning Board approval.

Attorney Rice has contended that they are violating the law, based on the fact that they are working on and utilizing the site without the required Site Plan Approval.

Personnel Manual

The Village Board had been supplied with an updated Personnel Manual prepared by Attorney Rice, reflecting changes discussed by the Board – RE: Rescinding Holiday Pay for Part-time Employees.

A MOTION was made by Trustee Tarantino and seconded by Trustee O'Blenis to approve and adopt the revised Personnel Manual.

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis

Noes: None

Waiver Requests

TJG Realty of Rockland, LLC/Recon Construction Corp. (Rec'd 7/9/19) and Jimi Van Dunk (Rec'd 9/20/19)

-As recommended by Attorney Rice, second letters have been sent advising that additional required information has not been received and, with or without receipt of the required information, action will be taken by the Village Board at its 11/19/19 meeting.

Village Engineer's Report – Engineer Mancuso

Claim dated 10/9/19 – Invoice #156009 – General Engineering (Sept. 2019) \$453.75 **Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis

Noes: None

DPW Report – Supt. Thomas Conklin

-Back-Hoe – Emergency Purchase of 2 Tires – PO #1938 - Capasso Tire Service: \$1,525.50. **Ratified by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis

Noes: None

-Tires for DPW Trucks – Quotes are being obtained.

-#2 Truck was taken to Suffern Sales & Service – stalling/dead battery.

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 – Supt. Conklin advised he had received an email stating that the Village is eligible for 3 free light upgrades and commends the following locations: Terrace Ave/Suffern Road, Post Office and Hickory Ave/Chestnut St. Mayor Tursi and Supt. Conklin will survey.

RealTerm Energy LED Street Light Proposal – Mayor Tursi stated he had received a quote from O & R for buy-back of all street light arms.

Village Office Sewer Line – Supt. Conklin reported Frankild Plumbing, the contractor who cleared the sewer line last year, had contacted him. Since he feels that the line has possibly collapsed, he suggested that the Village be proactive and provided a quote, in the amount of \$760.00, to snake the sewer line prior to another problem.

-It was determined that the snaking of the line should be coordinated with scheduling with the Village of Suffern to use their camera to determine if the line has collapsed.

Youth Center – Range Hood Systems Report – Supt. Conklin stated the DPW is unable to perform some of the items listed on the report and recommended Campbell Fire Systems be contracted.

E-Waste Collection – A discussion was held on establishing an E-Waste Collection Program, whereby residents could bring e-waste (TVs, computers, etc.) to the DPW garage for transport to the County facility. This service would be provided 3 times per year. First Collection Date: Sat., December 7, 2019 from 8:00AM-12:00noon. **Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis

Noes: None

2019 Road Repavement Program – The project is complete.

A MOTION was made by Trustee O'Blenis and seconded by Trustee Tarantino to approve payment of the following claims filed regarding the 2019 Road Repavement Program:

Cavaliere Ind.: \$12,800 (Contract: \$14,000 less \$1,200 for traffic control performed by DPW)

Precast Concrete Sales Co.: \$204.00 (2 Invoices Valve Boxes & Paving Risers) approved at 10/15/19 meeting.

Tilcon: \$49,221.94 (Contract: \$46,029, Plus \$4,338.41 (Add'l Material), Less \$1,145.47 (Price Adjust.)

Brooker Engineering: \$577.50 (Inv. #156011)

Ayes: Mayor Tursi, Trustees Tarantino & O'Blenis

Noes: None

-Pursuant to payment to all vendors, a claim for reimbursement will be filed with NYS DOT CHIPs.

Insurance

-RE: 12/4/19 Accident Involving HFD Truck – 10/16/19 Notice from Selective Insurance – Inter-Company Arbitration Hearing Panel – Decision was not in the Village’s favor; therefore, no damages or deductible can be recovered.

-RE: NYS Department of Civil Service – (2) copies of the 2019 Empire Plan “Reporting on Mental Health and Substance Abuse Program” Publication.

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

The Village Board acknowledged receipt of a Financial Report at 10/29/19, as prepared by the Asst. Village Clerk-Treasurer.

2016 Master Plan Committee – Draft Comprehensive Plan & Related Zoning

Committee Advisor, Attorney Elizabeth Cassidy, was present and addressed the Village Board.

The 2016 Master Plan Committee held a Public Hearing on 10/24/19. Following same, the Committee adopted a Resolution referring the Draft Comprehensive Plan & Related Zoning to the Village Board for further review and consideration.

RESOLUTION TO ACCEPT DRAFT COMPREHENSIVE PLAN

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

WHEREAS, the Village Board of Trustees established a Comprehensive Plan Committee in 2016 for purposes of developing a Comprehensive Plan pursuant to § 7-722 of New York State Village Law;

WHEREAS, said Committee has been meeting on a regular basis with its consultants since October 2016 and has solicited public input via public surveys to develop a comprehensive plan;

WHEREAS, the Committee has prepared a draft comprehensive plan.

WHEREAS, the Comprehensive Plan Committee held a duly noticed public hearing on October 24, 2019 at 7 p.m. in the Community Room located at 37th Fifth Street and upon conclusion of that public hearing referred the draft comprehensive plan together with the public comment to the Village Board for further consideration;

NOW THEREFORE, BE IT RESOLVED, that the Village Board of Trustees hereby accepts the draft comprehensive plan for further review and consideration simultaneously with a proposed zoning law;

BE IT FURTHER RESOLVED THAT the Village Board of Trustees hereby extends its gratitude to the Committee for its efforts: Peter DeFreese, Timothy Gulick, Antonio Powell, Mary Galindez, and Timothy Williams.

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

Noes: None

Abstentions: None

RESOLUTION was unanimously adopted.

RESOLUTION TO INTRODUCE LOCAL LAW 6 OF 2019, A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 250 OF THE VILLAGE OF HILLBURN CODE, ENTITLED “ZONING.”

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

WHEREAS, the Village of Hillburn has undergone a nearly three - year comprehensive planning process which included the development of a draft comprehensive plan together with a draft zoning law to implement the goals of the comprehensive plan;

WHEREAS, the Village of Hillburn Comprehensive Plan Committee has referred a draft comprehensive plan to the Village Board of Trustees by resolution dated October 24, 2019 and the Village Board of Trustees has accepted such referral;

WHEREAS, the Village Board of Trustees desires to consider the zoning simultaneously with the comprehensive plan to ensure the zoning is consistent with a newly adopted comprehensive plan and to streamline environmental review;

NOW THEREFORE BE IT RESOLVED, that Introductory Local Law 6 of 2019, entitled A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 250 OF THE VILLAGE OF HILLBURN CODE, ENTITLED “ZONING” is hereby introduced before the Board of Trustees of the Village of Hillburn;

BE IT FURTHER RESOLVED that said local law, together with the accompanying environmental review shall be referred to the Village of Hillburn Planning Board in accordance with § 250-75 for its review and written recommendation;

BE IT FURTHER RESOLVED that said local law, together with the draft comprehensive plan and accompanying environmental review shall be referred to the Rockland County Department of Planning, in accordance with General Municipal Law § 239 et seq.;

BE IT FURTHER RESOLVED that a public hearing shall be held on Tuesday, December 17, 2019 at 7:30PM or as soon thereafter as may be heard in the Village of Hillburn Community Room located at 37 Fifth Street, Hillburn, NY 10931;

BE IT FURTHER RESOLVED that the Village Clerk – Treasurer shall cause public notice to be published in the official newspaper of the Village at least 15 days prior to the hearing date in accordance with § 250-77 (A).

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

Noes: None

Abstentions: None

RESOLUTION was unanimously adopted.

RESOLUTION TO DECLARE LEAD AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

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

WHEREAS, the Village of Hillburn identified a need to prepare a comprehensive plan and corresponding zoning law to properly plan for growth and development in the Village;

WHEREAS, the Village of Hillburn established a Comprehensive Plan Committee for purposes of undertaking such task;

WHEREAS, the Comprehensive Plan Committee has developed a draft comprehensive plan and proposed zoning law and has referred them to the Village Board of Trustees;

WHEREAS, the Village Board is initiating the adoption process for both the Comprehensive Plan pursuant to Village Law 7-722;

WHEREAS, the adoption of a comprehensive plan and Village wide zoning amendment is a Type I action pursuant to the State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617.4, and

WHEREAS, the proposed action will not require permits and approvals from any other local, regional, State or Federal agencies prior to adoption and coordinated SEQR review is not required;

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby declares itself as Lead Agency pursuant to SEQR and further declares that the proposed comprehensive plan and zoning amendments constitute a Type I action; and

BE IT FURTHER RESOLVED, that the Village Board of Trustees hereby authorizes the circulation of the Full Environmental Assessment Form pursuant to the requirements set forth in SEQR 6 NYCRR Part 617.

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

Noes: None

Abstentions: None

RESOLUTION was unanimously adopted.

Terrace Ave. DPW Garage–Connection to Sewer Line – DPW Supt. Conklin reported he is waiting for a second quote.

Warrant to Rockland County of Unpaid 2019 Village Taxes:

A MOTION was made by Trustee O’Blenis and seconded by Trustee Tarantino authorizing the Village Clerk-Treasurer to prepare and submit the Warrant of Unpaid 2019 Village Taxes at 11/01/19, including penalty, to the County of Rockland.

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

Zoning Board of Appeals – The Zoning Clerk reported that two members of the ZBA have registered for the NYCOM Webinars

Planning Board – Next Meeting: 11/15/19

Building/Fire Inspector’s Report - Misc. correspondence was acknowledged.

Escrow – Status of Escrow Accounts Report @ 10/29/19 was supplied.

-**Escrow Pending Establishment**: Noved Bldg. Mgmt – \$5,429.57 - RE: Prof. Ser. rendered prior to filing P/Bd App. (Payment of Claims filed by Brooker Engineering & Jacobowitz & Gubits on hold pending receipt of escrow)

Senior Citizens

Senior Citizen member, Valerie Mariano, was named 2019 Citizen of the Year at the 2019 Fall Festival.

Recreation – Trustee O’Blenis read the written report:

-Annual Halloween Party will be held 10/30/19 during the After School Program.

-RE: Pro Am Wrestling Show – Kevin Clark provided information for the 11/16/19 show that benefits the Michelle A. Noel Scholarship Fund.

-Annual Christmas Party – Saturday 12/14/19 from 2:00PM – 4:00PM at the Youth Center. (Approved by Village Board). Parents are being request to call the Youth Center by 12/6/19 to register their child (up to 11 years of age). A Santa Claus will be needed.

-The spare key to the filing cabinet is missing from the desk drawer.

2020 Village Election – Tuesday, March 18, 2020**2019 Fall Festival – 10/26/19**

Mayor Tursi thanked the committee members, volunteers and DPW workers for their hard work that lead to the success of the event. The food was great, Philip Herman did a fantastic job of drawing caricatures and the Manaklin Brothers Band was amazing.

Claims for Reimbursement: Approved by Village Board:

-Cathy Tursi	- 200 Printed Totes from Crestline Custom Promotional Prod:	\$672.09
	- Outdoor Games from Amazon:	\$ 79.78
	- Miscellaneous Supplies from Staples and Tops:	\$ 42.13
-Delores Hunter-	Purchase of Dog Show Prizes from Chewy:	\$ 57.86

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

Interfaith Thanksgiving Service – 11/26/19 – Planning Meeting: 11/4/19 at 4:30PM.**Christmas Tree Lighting Celebration** – Sunday, December 1, 2019 – 6:00PM – Veterans Memorial Park**Hillburn Sewer Committee** – No report.**Public Comments** –

David Stein (Suffern, NY) stated he had a great time at the Fall Festival and thanked the Village Board for holding the event.

Applications for Use of Hillburn Community Room

-Applicant: Bonnie O'Brien – Request to change approved date from Saturday, 11/16/19 (3:00PM–7:00PM) to Saturday, 11/23/19 - Baby Shower - **Approved by Village Board**

-RE: Annual Halloween Parade & Party – Due to the forecast for rain on Halloween, the Ladies Auxiliary has requested authorization to utilize the Community Room for refreshments – 7:00PM. **Approved by Village Board**

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

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

-NYCOM – Update on Legislative Priorities Meeting.

-RC Board of Elections – RE: Delivery of voting machine/ballot marking device to Community Room: Tues, 11/5/19.

-Altice – Notice received 10/17/19 – RE: provider's Withdrawal of This TV and Launch of Court TV, effective 11/13/19.

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

Protected Harbor (Village's IT Company) – 10/23/19 Quote for Purchase & Installation of (2) Brother Laser Printers: \$590.00. **Approved by Village Board**

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

CFS Tax Software, Inc. – 2020 Payroll Program: \$649.00. **Approved by Village Board**

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

RC Conference of Mayors – Annual Membership Dues: \$150.00. **Approved by Village Board**

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

Williamson Law Book Co. – Invoice #178491 – Water Software Program – Support Contract (11/1/19-10/31/20): \$987.00 **Approved by Village Board**

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

Village Holiday Schedule:

A MOTION was made by Trustee Tarantino and seconded by Trustee O'Brien that in addition to Thanksgiving, the Village full-time employees be granted the day after, 11/29/19, as a paid holiday and FURTHER, the DPW will be paid double time and ½ to work 2-3 hours on the morning of 11/29/19 for the collection of garbage.

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

A MOTION was made by Trustee Tarantino and seconded by Trustee O'Brien to adjourn the meeting at 8:35PM.

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