

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, October 11, 2016 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, October 11, 2016, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 7:00PM.

PRESENT: Craig M. Flanagan Jr., Mayor
Bonnie R. O’Blenis, Trustee
Eleanor J. DeGraw, Trustee
Elizabeth K. Cassidy, Village Attorney
Thomas M. Conklin, DPW Supt.

RECORDER OF MINUTES: Mary Boone, Clerk-Treasurer

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Meeting called to order by the Hon. Craig M. Flanagan, Jr., Mayor. Resident, Antonio Powell, led in the Salute to the Flag.

Minutes of 9/27/16 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

Police Commissioner’s Report - Mayor Flanagan reported the Village has been quiet.

DPW Report – DPW Supt. Thomas Conklin reported:

-Sewer Hook-Up of Municipal Building, 31 Mountain Avenue

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the following proposals to be funded through the Hillburn Sewer Rebate Program:

-10/02/15 Proposal from Bravo Builders of Rockland, Inc. (Rec’d from DPW Supt. on 2/9/16)

Install Sewer Line from Municipal Bldg. to RC Sewer District Hook-Up (Excludes Permit Fee& Paving): \$2,800.00

-10/11/16 Proposal from Chuck Bugbee Blacktopping

Remove Blacktop and Repave Village Hall Park Lot Pursuant to Completion of Sewer Hook-up: \$3,800.00

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

10/11/16 Proposal from Chuck Bugbee Blacktopping – Patching in Area of Water Line Repair (143 Route 59)

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the 10/11/16 proposal submitted by Chuck Bugbee Blacktopping, in the amount of \$450.00, to pave an area excavated to repair 9/12/16 water main break - 143 Route 59 (Realty Mgmt/Hillburn Industrial Park).

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

10/3/16 Damage to Street Sign by Private Contractor – Area of 10 Park Avenue

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the 10/4/16 proposal submitted by Traffic Lane Closures, LLC in the amount of \$195.00, and the private contractor, Prime Builders, will be billed as follows:

Materials: \$195.00
DPW Labor: 155.00
Total: \$350.00

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

Loose Leaf Pick-Up has commenced.

RE: GMC Truck - Installation of “On Spots” – Truck was taken to Ruscon for an estimate cost. Ruscon advised that the brake chambers need replacement. A quote is being prepared for the installation of “On Spots” and brake replacement.

Flushing of Hydrants – Tentative scheduled for 10/19 & 20/16. Notification to residents will be provided.

Purchase of Commercial Front Mower – Additional quotes are being obtained.

Double Pole Report – Supplied to Mayor Flanagan.

Property Maintenance by DPW – 32 2nd Street and 7 Brook Street - DPW Supt. Conklin submitted costs for labor and use of equipment to be billed to the respective property owners. **Approved by Village Board.**

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

-Mayor Flanagan requested the Village Attorney to determine if there is a way to speed up the process to allow the Village to maintain a property and bill the property owner. -Attorney Cassidy stated due process is required.

-**Firehouse/Community Room Sewer Hook-Up** – Supt. Conklin stated he is awaiting a call from Metra to schedule the grading and seeding of the back yard area.

-**DPW Hours** – As of today, 10/11/16, the DPW is back on regular hours: 7:00AM – 3:30PM.

-**NYS DOT – Local Highway Inventory Update** – Supt. Conklin reported there have been no changes and the report will be completed and returned.

HFD Report – Chief Starr reported:

Mutual Aid Drill at Con-Ed Substation – Saturday, 11/5/16 – Use of the Community Room/Back Yard Area from 9:00AM-9:00PM was requested. **Approved by Village Board.**

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

Firefighter Training – Members will be starting classes in the next few weeks.

Volunteers are still needed to join the H.F.D.

MES – 9/26/16 Statement – Chief Starr stated he has signed off on Invoice #IN1064737 and #IN1066541, in the total amount of \$3,840.00. Invoice #00701206, in the amount of \$121.25 is on hold for confirmation by Asst. Chief Ed Kelly.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve payment of \$3,840.00 to MES.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

RBC Wealth Management – 10/11/16 Portfolio Review was supplied to the Village Board and Village Attorney.

RC Office of Fire and Emergency Services – FEMA Hazard Mitigation Plan Update - Worksheets are to be filed by 10/21/16 with the RC Office of Fire and Emergency Services.

Village Engineer’s Report – Engineer McCreedy not present.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the following claims filed by Brooker Engineering, PLLC:

10/05/16 Claim – General Engineering Service (9/01-30/16)	\$ 75.50 (General Fund)
10/05/16 Claim – Salomone Redi-Mix of NY	\$ 75.50 (Escrow)
10/05/16 Claim – O&R Floodplain Development	\$226.50 (Escrow)

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Police Officer Jim Tesseman arrived at meeting and reported the Village is quiet.

Officer Tesseman was advised of the upcoming events: 10/15/16 Fall Festival and 10/31/16 Halloween Parade/Party.

2017 Community Development Program

Citizens Advisory Committee Meetings – The first of two required meetings will be held on Tuesday, 11/15/16 at 6:00PM. The second meeting will be scheduled at that time.

Village Attorney’s Report – Attorney Elizabeth Cassidy reported:

RE: Unsafe Structure – 53 Sixth Street, Hillburn, NY – Attorney Cassidy reported the required paperwork to commence action was filed in the RC Supreme Court (a copy supplied to the Village Clerk-Treasurer) and she is in the process of serving the respective property owner and lender.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the Village Attorney’s 9/30/16 claim in the amount of \$1,306.25 for legal services rendered regarding Village of Hillburn v. Losner.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Property Maintenance – Overgrown Grass

WHEREAS, pursuant to Chapter 184 of the Village of Hillburn Code, “No person shall permit noxious weeds, long grass or other rank growths, or growths which are harmful, poisonous or detrimental to health on real property owned by him.” Chapter 184 further states, “No person shall permit the growth of grass, shrubs or trees which blocks, hides or interferes with any traffic sign or with the view on any corner so as to cause a hazard or interference with the normal flow of vehicular traffic.”

WHEREAS, pursuant to Chapter 184, the Village Board of Trustees has received a written report of the Building/Fire Inspector indicating that the property located at **132 Sixth Street (SBL 47.18-1-4)** is in violation of Chapter 184 which is annexed hereto;

NOW THEREFORE BE IT RESOLVED that the Village Clerk Treasurer is hereby authorized to send notice attached hereto as required by Chapter 184 to the property owner directing that the property owner properly cut the noxious weeds and remove the dead tree within ten (10) days;

BE IT FURTHER RESOLVED that in the event the record property owner fails to comply, the Board of Trustees may cause such noxious weeds, long grass or rank growth, or grass, shrubs or trees which interfere with the normal flow of vehicular traffic to be cut, trimmed and removed or otherwise eliminated, and assess the expense upon the property. Such charge, if unpaid, shall become a lien upon the property, subject to collection as a tax thereon, after due notice to the owner and a hearing as to the justness of the costs. You will be deemed in violation of Chapter 184, Article 1 of the Village of Hillburn Code and a summons and complaint will be filed against you in Village of Hillburn Justice Court. Please be advised that “any person or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine of not more than \$50 for each offense. **Every violation of this article shall be a separate and distinct offense, and in the case of a continuing violation, every day’s continuance thereof shall be deemed to be a separate and distinct offense.** Every violation of this article shall constitute disorderly conduct and the violator shall be a disorderly person.”

Dated: October 11, 2016

Motion by: Eleanor J. DeGraw, Trustee

Second: Bonnie R. O’Blenis, Trustee

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

-Attorney Cassidy also supplied an Order to Remedy to be sent to the property owner, along with the above Resolution. (It was noted that the record owner is deceased. Notices will be sent to the respective bank).

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

New Chief's Car – Mayor Flanagan supplied the specifications to Attorney Cassidy for preparation of a bid package. Bid Return Date: 11/15/16.

Zombie Property Legislation

Attorney Cassidy distributed copies of a 9/27/16 memo prepared by her Associate, Jessica Mahoney, regarding the new State legislation that will take effect in December 2016.

7:35PM

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to adjourn from the regular meeting in order to hold an Executive Session for the purpose of Attorney/Client discussion.

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

7:50PM

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to resume the regular meeting.

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

Hudson Energy – Notice – Expiration of 3 Year Contract – November 2016

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw to renew the contract with Hudson Energy for a 12 month period.

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

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 –

No further information – waiting for Judge's decision.

Verizon 10 Year Special Franchise Agreement – Expiration Date: October 2017 – Attorney Cassidy stated a meeting is being coordinated.

Insurance 2016-2017 –

Wright Risk Management

-Workers' Compensation Quarterly Open-Claim Loss Run Report – One claim (A. Henry).

-Notice of Free Comp Alliance Safety Seminar – Town of Fishkill – 10/25/16. (DPW Supt. will be attending morning session).

Tax Certioraris – (2014, 2015, 2016) –

Attorney Cassidy stated matters were discussed earlier in Executive Session.

RE: 9/29/16 Claim filed by Law Office of Rebecca M. Speno

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien to approve the 9/29/16 claim filed by the Law Office of Rebecca M. Speno, in the total amount of \$400.00, for the following two invoices:

Invoice 106 - Fujita Trust	200.00
Invoice 107 - Hillburn Park Corporation	<u>200.00</u>
Total 9/29/16 Claim:	<u>\$400.00</u>

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

2016 Master Plan Committee

Scheduled meeting - Saturday, 10/22/16, at 10:00AM, at Village Hall.

Zoning Board of Appeals – No Report.

-NYCOM – Training Station Webinar Series – 11/2, 9, 16 & 30, 2016 –

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien authorizing payment of the registration fee of \$20.00 per Registrant/per Webinar for interested Planning Board and Zoning Board of Appeals members.

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

Planning Board –

Next Meeting: 10/20/16 – Agenda Item: Application for Informational Meeting Submitted 9/27/16.

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

-The Village Board was in receipt of copies of correspondence.

Escrow Accounts – The written Escrow Report for month ending 9/30/16 was submitted by the Village Clerk-Treasurer.

Senior Citizens – No report.

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

Fall Festival – October 15, 2016 (Rain Date: 10/16/16) – Details are being finalized. A few people have volunteered to help during the festival.

RE: Bounce & Jump Party Rentals –Bounce House Rental –

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to accept the Certificate of Insurance naming the Village of Hillburn as the Certificate Holder – No signed Agreement is required.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

2016-2017 After School Program –

10/28/16 Halloween Party – Request for \$150.00 Petty Cash – **Approved by Village Board.**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Cooking Class – (Instructor: Eleanor DeGraw) – Begins 10/21/16. Tanya Cirincione will be assisting.

Hillburn Sewer Rebate Committee – Applications are still being received and will be kept on file until receipt of additional funding.

2017 Assessment Roll – A workshop meeting of the Board of Assessors was scheduled for Thursday, 1/5/17 at 7:00PM.

2017 Village Election – Tuesday, March 21, 2017

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

WHEREAS, the next general election for officers will be held on Tuesday, March 21, 2017, and

WHEREAS, the Board of Trustees must designate by resolution and publish the office(s) which are to be filled in such election and the term(s) therefore.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Board of Trustees designates the following offices as vacant at the end of the current year, and to be filled at the Village Election to be held on Tuesday, March 21, 2017 for the following terms:

OFFICE OF MAYOR	two year term
OFFICE OF TRUSTEE	two year term

Section 2. The Village Clerk is hereby directed to publish this resolution in the Journal News.

Section 3. This resolution shall take effect immediately.

**Ayes: Craig M. Flanagan, Jr., Mayor
Bonnie R. O’Blenis, Trustee
Eleanor J. DeGraw, Trustee**

Noes: None

RESOLUTION was unanimously adopted.

Public Comments

Chevron Torres (54 5th St) questioned the status of the installation of a Stop sign at Hickory Avenue & 5th St. and the “No Parking Sign” in the area of 29 Hickory Avenue. Is a traffic study needed?

-Mayor Flanagan stated the matters are being reviewed.

-Supt. Conklin will contact the Ramapo Police regarding the traffic study.

-HFD Chief Starr stated it would be difficult to make the turn from 5th Street to Hickory Avenue with parked cars and recommended the area from the driveway of 27 Hickory Avenue to 5th St. be designated as no parking. Chief Starr also requested replacement of the No Parking signs on Boulder Avenue for emergency vehicle access.

Mrs. Torres stated the Ramapo Central School District’s dumpster contractor is once again coming very early in the morning and creating loud noise. (matter will be followed up on)

Mrs. Torres questioned if applicants need to come before the Village Board before going to the Planning Board and if the Planning Board holds Public Hearings.

-Attorney Cassidy replied Village Board approval is not required to file an application with the Planning Board. Public Hearings are held depending on the nature of the application.

Mrs. Torres questioned if the minutes of the Planning Board’s Informational Meeting will be published.

-Attorney Cassidy replied minutes are subject to FOIL. The Informational Meeting is open to the public; however, no public comments are permitted.

Rhonda Jennings (54 5th St.) stated she had read in the paper that Ramapo Supervisor St. Lawrence is seeking funding for repair/rebuilding of the 4th Street bridge and she was concerned with access to the Village.

-Mayor Flanagan stated that the railroad is responsible for the bridge structure and the Town of Ramapo is responsible for the decking. The rebuilding of the bridge and the repaving would be done together.

Mrs. Torres stated that the heavy truck traffic from the O&R property may be the cause of the bridge damage.

-Alternate routes would include going through the Village proper.

-**Ashleigh Jennings (54 5th St.)** stated she was walking over the bridge and it moves when trucks/buses go across.

Correspondence – The Village Board acknowledged receipt of copies of correspondence, regular and email, including:
-10/04/16 Action Form filed by Patricia Van Dunk – RE: Raised Sidewalk/Water Shut-Off – The DPW repaired conditions on 10/5/16.

Applications for Use of Community Room

-Bonnie O’Blenis – Thursday, 10/6/16 – 10:00AM-3:00PM – Repast **(Ratified)**

-Hillburn Senior Citizens – Thursday, 10/13/16 & Friday, 10/14/16 – Military Bridge **(Approved)**

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

Resolution – RE: Justice Court Assistance Program (JCAP Program)

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

WHEREAS, funding is available to eligible municipalities under the New York State Justice Court Assistance Program, wherein eligible projects can receive grant monies; and

WHEREAS, the Village of Hillburn is in need of the following equipment:

- (1) Handheld Metal Detector
- (1) Chair

and said equipment is a qualifying purpose under the JCAP Program and therefore an appropriate use of grant proceeds;

THEREFORE, BE IT RESOLVED that the Village Board of the Village of Hillburn does hereby authorize the Mayor and Village Justice to file an application for grant funding under the Justice Court Assistance Program.

Ayes: Craig M. Flanagan, Jr., Mayor

Bonnie R. O’Blenis, Trustee

Eleanor J. DeGraw, Trustee

Noes: None

RESOLUTION was unanimously adopted.

RE: 8/22/16 Accident – (Damage to Guardrail in East Hillburn) – There has been no response to the Village Attorney’s 8/24/16 letter to the driver of the motor vehicle requesting reimbursement of \$1,500 in damages. Attorney Cassidy will follow up on same.

E-Mail Policy – The need/requirement for a Village E-Mail Policy will be looked into by the Village Attorney.

Village Audit – v/e 5/31/16

Audit was done in September 2016. Only the Village Justice Report has been received at this date.

A claim for 75% of the fee has been received.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to approve the claim, in the amount of \$15,000.00, subject to receipt of Audit Report.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None

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 8:23PM.

Ayes: Mayor Flanagan, Trustees DeGraw & O’Blenis

Noes: None