

VILLAGE OF HILLBURN

Board of Trustees Meeting

Tuesday, September 18, 2018 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, September 18, 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, Deputy Mayor
 Eleanor J. DeGraw, Trustee
 Richard Ellsworth, Village Attorney
 Eve Mancuso, Village Engineer
 Thomas M. Conklin, DPW Supt.

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

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Meeting called to order by the Hon. Craig M. Flanagan, Mayor. Engineer Mancuso led the Salute to the Flag.

Minutes of the 8/21/18 Meeting – Approved by Village Board.

Ayes: Mayor Flanagan & Trustee DeGraw
Noes: None
Abstention: Trustee O’Blenis (absent from meeting)

Minutes of the 9/04/18 Meeting – Approved by Village Board.

Ayes: Trustee O’Blenis & Trustee DeGraw
Noes: None
Abstention: Mayor Flanagan (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 deferred report until arrival of Ramapo Police Officer.

DPW Report – DPW Supt. Thomas Conklin

2008 Ford F150 -Truck Body – 9/18/18 Quote from Dejana Truck & Utility Equip. Co., LLC: \$2,944.28 – DPW Supt. Conklin stated he needs to confirm if the lights are included in the quote. Tabled by Village Board.

2008 Ford F150 - Fuel Tank – 9/12/18 Quote from P&A Auto & Truck Parts: \$999.00 - **Approved by Village Board** (Maximum: \$1,000.00)

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

Hydrant Wrench - A different type of wrench is needed for a new theft proof cap on a hydrant located at the end of the system on Torne Valley Road. Quotes will be obtained - Maximum of \$300.00. **Approved by Village Board**

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

Backhoe – Supt. Conklin reported parts are needed (filters, seals, etc.) Waiting for quote from H.O. Penn – Maximum of \$500.00. **Approved by Village Board**

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

Trees – Supt. Conklin reported on the following complaints he received from residents:

-Tree limbs in wires near their home at 74 5th Street – O&R has been contacted and tree was put on their list.

-Request for removal of trees behind their home at 35 Rockland Avenue as branches are dropping onto their property - Matter was tabled, as the trees are located on 40 5th Street, currently owned by the Village and being negotiated for sale to Habitat for Humanity.

Attorney Ellsworth reported that a representative from Habitat for Humanity had picked up a Building Permit Application to build a single family dwelling. When filed, it will be denied due to the need for variances and will be referred to the ZBA.

NYS Dept. of Transportation – Local Highway Inventory Update – Supt. Conklin will work with the Village Office to complete and submit the information.

Cornell Local Roads Program – 2018 Needs Assessment – Supt. Conklin is completing the survey.

Yonkers Paving – Stamped Asphalt Contract with the County of Rockland – Engineer Mancuso stated the stamped asphalt is typically used in busy intersections and not something needed in the Village.

Ramapo Police Officer Sanchez arrived at meeting and reported that, aside from a recent complaint received regarding loud music at Mt. Fuji (outdoor event – complied by turning it down) the Village is quiet.

Rockland County Shared Services Plan – 7/27/18 Correspondence - Draft Countywide Shared Services Plan

-Mayor Flanagan reported he had spoken with Sloatsburg Mayor Wright regarding the Villages’ participation in the Countywide Shared Services Plan, specifically concerns regarding the current Western Ramapo Fire District Agreements. An Inter-municipal Agreement between the Villages of Hillburn, Suffern & Sloatsburg may be an alternative to the Countywide Shared Services Plan.

Village Water System

-KC Engineering and Land Surveying, P.C. –Water System Financial Evaluation – 8/8/18 Proposal Approved by Village Board on 8/21/18 – Agreement/Signature Page is pending. Engineer Mancuso advised she had spoken with Mr. Ravilla of KC Engineering who stated he was in receipt of correspondence (email) advising of the Village Board’s approval subject to receipt and approval of a formal Resolution.

-Attorney Ellsworth stated he will prepare the Resolution tomorrow.

-As requested by Mr. Ravilla and approved by the Village Board, Engineer Mancuso will coordinate a mutually convenient date for a “kick-off” meeting and will invite Glenn McCreedy to attend.

-Mayor Flanagan advised that he has a meeting scheduled for Friday, 9/21/18 at 2:30PM with Bill Madden of SUEZ Water. If Trustees attend meeting, proper notice of the meeting will be posted.

8/1/18 Water Billing – Water Account 2-29A – 68 Fifth Street

IT WAS RESOLVED by the Village Board as follows:

WHEREAS, the Water Bill for the six month period ending 7/31/18 for Account #2-29A was in the amount of \$569.52; and

WHEREAS, an investigation was made, including review of past meter readings;

IT IS HEREBY RESOLVED by the Hillburn Board of Trustees that the 8/1/18 Water Bill for Account #2-29A be reduced from \$569.52 to \$200.00.

Ayes: Mayor Flanagan & Trustee DeGraw

Noes: None

Abstention: Trustee O’Blenis

4th Street Railroad Bridge - RE: Resurfacing by Town of Ramapo – Engineer Mancuso reported no notification has been received regarding the grant application filed by the Town of Ramapo.

HFD Report – Chief Starr not present.

RBC Wealth Mgmt – Correspondence – RE: Account Information Change Confirmation and Account Statement.

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. – Upgrade still pending.

-RealTerm Energy LED Street Light Proposal – Attorney Ellsworth reported he is awaiting a response to an email he sent to John L. Carley, O&R’s legal representative.

7:27PM

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

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Public Hearing - Introductory Local Law 2 of 2018 – Extension of Moratorium

The Notice of Public Hearing was read aloud by the Clerk-Treasurer.

-Attorney Ellsworth explained the purpose of the local law is to extend the Moratorium on land use approvals and building permits, implemented under Local Law #2, 2017, until April 2019 to provide additional time for the preparation and adoption of a comprehensive plan and conformity of its subdivision and zoning laws to that comprehensive plan.

Hearing was opened for public comment. There were no comments.

A MOTION was made by Trustee DeGraw and seconded by Trustee O’Blenis to close the Public Hearing.

Ayes: Mayor Flanagan, Trustees O’Blenis & DeGraw

Noes: None

Regular meeting resumed.

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

WHEREAS, Introductory Local Law 2 of 2018, a local law to extend the Moratorium on land use approvals and building permits, implemented under Local Law #2, 2017, was introduced at the Village Board’s regular meeting held on August 21, 2018;

WHEREAS, a duly noticed public hearing was held on September 18, 2018 at 7:27PM;

NOW THEREFORE, BE IT RESOLVED that the Village Board of Trustees hereby adopts Introductory Local Law #2 of 2018 as Local Law #2 of 2018. Said Local Law will take effect immediately upon filing with the Secretary of State.

Ayes: Craig M. Flanagan, Jr., Mayor

Eleanor DeGraw, Trustee

Bonnie O’Blenis, Trustee

Noes: None

Abstentions: None

RESOLUTION was unanimously adopted.

Orange & Rockland

RE: Critical Infrastructure List Update Request – DPW Supt. Conklin confirmed there are no changes. List will be completed and returned.

RE: Installation Smart Meters – Notification that O&R's contractor, Aclara, will begin installations in September 2018 to customers residing on the following streets: Hillburn: Torne Valley Road, Park Ave., Blakeslee Pl., Route 59; Ramapo Hamlet: Torne Valley Rd., Baler Road, Torne Brook Road, Lake St., Lake Rd., Bridge St.

RE: Preservation of Utility Poles – Notice of placement of MITC-FUME vials in telephone phones and proper handling if the metal vials become exposed or ejected (i.e. motor vehicle accident).

Village Engineer's Report - Engineer Eve Mancuso reported

RE: MS-4 Mapping Grant – Outfall inspections will commence soon and will continue until the end of the year. Costs will stay within the grant amount.

RE: Claims for Engineering Services –

-Inv. #152957 – (Aug. 2018) – Amount: \$612.50 (Water: \$212.50; Master Plan: \$320.00; Gen. Engineering: \$80.00)

Approved by Village Board

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

-Inv. #152958 – Jay Kim – Escrow - Building Permit #030717 - Amount: \$320.00 **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees O'Brien & DeGraw

Noes: None

Engineer Mancuso left meeting.

Community Development

8/23/18 email regarding mandatory HUD training presentation on 10/10/18, Pomona, NY. (tabled at 9/4/18 meeting)

8/16/18 correspondence regarding the need to activate the 2019 Citizen Advisory Committee. (tabled at 9/4/18 meeting)

A discussion was held regarding the Village filing an application for 2019 CDBG funding.

-Trustee DeGraw stated she and Deputy Village Clerk Yvonne Van Dunk had attended a 2nd Consortium Meeting on 6/7/18

-RE: Changes to the CDBF Program. It was determined that the changes do not affect the Village's ineligibility for funding.

-Attorney Ellsworth stated he will look into matter.

-It was the consensus of the Village Board not to pursue filing an application for 2019 CDBG funding.

Village Attorney's Report – Village Attorney Richard Ellsworth

Pending Litigation – Village of Hillburn v. Losner - Judgment in Supreme Court -Attorney Ellsworth reported the 9/19/19 Court Appearance Date was adjourned from 9/19/19 (Jewish Holiday) to 10/18/18. Judgment on the motion regarding condemnation of the structure has not been received at this date.

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

Attorney Ellsworth reported that Verizon has confirmed that the Village's requests are included in the Agreement. Agreement has not been received at this date.

Request for Relief from Moratorium

-Brian Ballard, A&J Cycles, Inc. (Property I.D.: 47.14-1-7.-50 (Unit #5) - 301 Route 17) – 9/18/18 Request for Waiver
Basis of Request: He presently rents Unit #8 at 301 Route 17 and must vacate by 9/30/18. He is in contract to purchase Unit #5 (closing scheduled for 9/20/18) and needs to file an application with the Hillburn Planning Board for a change of use.

A MOTION was made by Trustee O'Brien and seconded by Trustee DeGraw that the request for a waiver from the moratorium filed by Brian Ballard of A&J Cycles, Inc. in order to apply for a new use of the referenced building be granted – 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'Brien & DeGraw

Noes: None

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

-8/31/18 Email – RE: Renewal Options - tabled by Village Board at the 9/4/18 meeting.

-9/13/18 Email – RE: Refreshed Renewal Options – Tabled by Village Board.

Village of Hillburn v. NAC**Voucher Claims: Special Council – Jacobowitz and Gubits, LLP:**

A MOTION was made by Trustee DeGraw and seconded by Trustee O'Brien authorizing payment of the following claims:

Invoice #274074 dated 7/26/18 (Legal Services: 6/1/18 – 6/28/18) \$ 4,729.94

Invoice #274437 dated 8/13/18 (Legal Services: 7/2/18 – 7/31/18) \$ 9,402.66

Ayes: Trustees O'Brien & DeGraw

Noes: None

Abstention: Mayor Flanagan

NYSER Standard Workday Report

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

BE IT RESOLVED that the Village of Hillburn hereby establishes the following standard work days for these titles and will report the officials to the New York and Local Retirement System based on time keeping system records or their record of activities: (Full Resolution attached)

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

Tax Certiorari Received 8/14/18 – Morris Grunfeld against Scott Shedler, Tax Assessor of the Town of Ramapo, Board of Assessment Review of the Town of Ramapo, Town of Ramapo, and Suffern Central School District, Village of Suffern and Village of Hillburn – Attorney Ellsworth is following up on same.

Insurance – No report.

Attorney Ellsworth left meeting.

Various Capital Improvements (In accordance with 9/1/16 Bond) – RE: Comprehensive Plan

The Village Board acknowledged receipt of a Financial Report as of 9/18/18, as prepared by the Asst. Village Clerk-Treasurer.

-Claim filed by Nelson Pope & Vorhees (Period: 6/14/18 – 7/11/18): \$3,430.00. **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

2019 Village Election – Tuesday, March 19, 2019

-The 2019 Calendars of Dates was supplied to the Village Board.

2016 Master Plan Committee –

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

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

Zoning Board of Appeals –

Vulfrano Lazcares – 8/6/18 ZBA Denial of Application filed 5/16/18 – RE: Addition to Existing Single Family Dwelling: 2 Car Garage with 2nd Floor Bedroom & Bath. The Village Board acknowledged receipt of the formal ZBA Action Form and Resolution.

Planning Board – Next meeting: 9/26/18.

Building/Fire Inspector's Report –

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

SUEZ Water New York –

RE: Building Permit #082218 – The Clerk-Treasurer confirmed receipt of the required escrow in the amount of \$10,000; and the required Performance Board in the amount of \$21,096.

RE: Flood Plain Development Permit #1(2017) – The Clerk-Treasurer confirmed receipt of the required additional escrow in the amount of \$2,000.

Escrow - Status of Escrow Accounts Report @ 9/18/18 was supplied.

-9/5/18 Claim filed by Spence Engineering – RE: SUEZ Water New York - 8/16/18 Building Permit #082218: \$975.00

Approved by Village Board

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

Senior Citizens

The Senior Citizens are currently on a trip to Amish Country, PA.

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

2018-2019 After School Program – Program began on 9/5/18. There are presently 23 children registered.

-RE: Michelle A. Noel After School Scholarship - One 2018 recipient, Denisse Sanchez.

Request for Purchase of Printer - Vendor: Staples: HP Office Jet Pro & Ink – Cost: \$364.97 **Approved by Village Board**

Ayes: Mayor Flanagan, Trustees DeGraw & O'Blenis

Noes: None

Fall Festival –10/13/18.

-The Hillburn Fire Dept.'s presence has been requested.

-The Ladies' Auxiliary will be joining us this year with the Fire Poster Prevention Poster Contest.

-The signs are finished and Eleanor will pick them up tomorrow.

-Stage – The Village of Spring Valley is using its stage on 10/13/18. Mayor Flanagan will contact Haverstraw to see if a stage is available.

Request for approval of the following:

Outdoor Amusements:	Jumpy & 1 attendant	Cost: \$ 427.50
Facepainting By Tanya:	Facepainting	Cost: 175.00
Oriental Trading:	Crafts	Cost: 177.70
The Deuces Wild Band	Concert	Cost: \$1,200.00
Kelly's Tents	Tent	Cost: Pending
Dagele Brothers Produce	Pumpkins, cornstalks, hay bales	Cost: \$ 700.00 (free delivery)
Petty Cash	Misc. Expenses	Cost: \$ 450.00

Approved by Village Board.

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

The Village Board confirmed that the proceeds from the Hot Dog Cart, Popcorn & Cotton Candy Machines will be used to offset the costs of the Fall Festival; and the proceeds from any raffles will be donated to the Michelle A. Noel Scholarship Fund.

Hillburn Sewer Rebate Committee -Trustee DeGraw reported applications are still being accepted.

Trustee O'Blenis left meeting.

Public Comments – None

Applications for Use of Hillburn Community Room

-Applicant – Beverly Flanagan – Sat., 11/10/18 – 10AM-5:00PM – Baby Shower – **Approved by Village Board** Subject to Receipt of Insurance Certificate and \$75.00 fee.

Ayes: Mayor Flanagan & Trustee DeGraw
Noes: None

Application for Use of Hillburn Youth Center **Approved by Village Board**

-Applicant: Kevin Clark, Jr.-Adventure Sport Attractions – Fri., 11/2/18 – 7:00PM – 11:00PM – Professional Wrestling Fund Raiser/TV Show Taping – **Approved by Village Board** Subject to Receipt of Insurance Certificate and \$150.00 Fee.

Ayes: Mayor Flanagan & Trustee DeGraw
Noes: None

GASB #45 Valuation – FYE 5/31/18

Invoice #128080 dated 8/18/18 - Danziger & Markhoff, LLP for Actuarial Services: \$831.25 **Approved by Village Board**

Action Forms

Two Action Forms were filed on 9/11/18 and signed by four residents – RE: Dog Barking. Matter was referred to the Town of Ramapo Animal Control Officer who posted a Warning Notice on the respected residence.

World War II Veterans Monument

Documentation has been submitted that qualifies a veterans name to be placed on the monument.

The Village Board requested DPW Supt. Conklin to take a picture of the monument and, when received, the Village Clerk will seek proposals.

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

Town of Ramapo – Invitation to the Village Board and residents to attend upcoming events listed on attached flyer.

-Hillburn Ladies Auxiliary – Flyer – 9/29/18 Bake and Garage Sale.

-Altice USA – Notice of pricing changes.

Scheduling of Meetings - October 2018: October 2nd and October 16th

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

A MOTION was made by Trustee DeGraw and seconded by Mayor Flanagan to adjourn the meeting at 8:34PM.

Ayes: Mayor Flanagan & Trustee DeGraw
Noes: None