

The minutes of the Regular Meeting of the Board of Trustees of the Village of Haverstraw on October 4<sup>th</sup>, 2010, beginning at 8:00 PM.

#### PLEDGE OF ALLEGIANCE

ROLL CALL	Trustee Batista	- Present
	Trustee Bueno	- Absent
	Trustee Watson	- Present
	Trustee Dominguez	- Present
	Mayor Kohut	- Present

Mayor Kohut: The Mayor opened the meeting with the first Public Participation, inviting the public to voice their concerns or problems.

Noel Rappaport, 31 New Main Street: Mr. Rappaport inquired about the housing on Maple Avenue. He heard that they will not be building two family housing.

Mayor Kohut: The Mayor informed Mr. Rappaport that the proposals are a dead issue at this time.

Noel Rappaport: Mr. Rappaport wanted to know the reasoning for not moving forward with the proposal.

Mayor Kohut: The Mayor responded that there is no funding to build the two family units and that RHAC did not believe the proposal for the apartment building would be approved.

Anthony Vasquez, 140 Route 9W: Mr. Vasquez is concerned about the Quisqueya Club running the Little League at the Manny Lopez Field. His main issue of concern is the children, ages 6 to 14, being hurt. He feels that some of the coaches are not familiar with how to coach a Little League team. He has been a coach for many years with the Haverstraw Little League and other sports teams and is concerned with the safety of the children involved. He would like to see people in charge at the field who are experienced in coaching and working with young people.

Mayor Kohut: The Mayor responded that the board was not aware of the issue and thanked Mr. Vasquez for bringing it to the board's attention, requesting that he give the board specifics in writing and then sit with Trustee Dominguez to fully discuss the issues of concern.

Osvaldo Reyes, 2 West Street: Mr. Reyes is a part of the ball field committee and has been at most of the games. He explained that this is a Little League started by the Quisqueya Sports Club and having played baseball himself for many years, he has not witnessed anything wrong with the way the kids are being coached.

Steven Barry, 71 Wall Street, Garnerville: Mr. Barry is one of the coaches. He mentioned the league is for children from 8 to 13 years old. He stated that the children are all pitching and playing within their own age groups. As far as he knows, since the start five months ago, none of the children have been hurt and he feels they are being given the proper training.

Edgar Flores, 74 Sharp Street: Mr. Flores has been at games and has never seen any of the children get hurt and from what he can see the coaches are doing a good job with the children.

Emily Dominguez: Trustee Dominguez stated that the "Ball Field Committee" will review the issue and discuss it at their next meeting and anyone having examples of problems they want addressed should send a letter to the Village Board expressing their concerns.

Jose Ramon, 11 Fourth Street: Mr. Ramon is the President of the Quesquiya Sports Club and is concerned that a problem is being created when in fact there is no problem at all. The club is simply trying to bring kids together to focus on positive aspects in their lives. Mr. Ramon invited Mr. Vasquez to join them, if he really feels the children are not being taught properly. Their goal is to give these kids the best training available to enjoy playing the game.

Anthony Vasquez: Mr. Vasquez felt that everyone misunderstood what he was trying to say, explaining that he is aware that no one has gotten hurt; his point, however, is that someone could get hurt if the children are not trained properly.

Mayor Kohut: The Mayor suggested that the gentlemen exchange phone numbers and discuss together ways to resolve the issue.

Mayor Kohut:

#### **REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY**, Jay Hood, Jr.: Counselor Hood informed the public that he e-mailed the Mayor with a list of items he has been working on and would continue to do so on a weekly basis.

**VILLAGE TREASURER**, Judith Curcio: Mrs. Curcio had nothing to report.

**MAYOR'S REPORT**, Mayor Kohut: The Mayor announced that the village has recently been given an A1 rating by Mooney's Investor Services, which is a significant improvement over past years. He thanked everyone in the village who has worked very diligently to cut costs, which enabled the village to achieve this ranking.

The Mayor then explained that the village has been required by the State Comptroller's Office to develop a proposal for GASB-45; Post Entitlement Actuarial Services, which would give the village a better picture of what the cost of retirement benefits would be now and in the future. The village completed an RFP (Request for Proposal) several months ago and has since received three proposals. Village Accountant, Joseph Modafferri has reviewed the proposals and has recommended that the village accept the proposal of Armory Associates of Syracuse, New York, at a cost of \$3,500.00 for the initial study of post retirement benefits. A subsequent follow-up for the second year would cost the village \$1,250.00. Based on Mr. Modafferri's recommendation, Mayor Kohut entertained a motion to accept the proposal for services by Armory Associates of Syracuse.

#### **RESOLUTION #192-2010**

Motion by: Emily Dominguez

Seconded by: Francisco Batista  
Motion Carries: All

The Mayor then spoke about a continuing water problem at the Municipal Building, which, he has been informed, can be resolved by fixing a small roof on the host tower on the building. The village received an estimate from Allison Roofing in the amount of \$1,200.00 to make the necessary repairs.

Mayor Kohut entertained a motion to approve the repairs.

**RESOLUTION #193-2010**

Motion by: Francisco Batista  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor then discussed a proposal, before the Village Board, for a cell tower application at 21 Broadway. In order for the village to properly analyze the situation and move it forward, it is necessary for the village to retain the services of a consulting company whose expertise is in cell tower citing. The village has previously used the services of Michael P. Musso of HDR-LMS and entertained a motion to again hire that firm for this purpose.

**RESOLUTION #194-2010**

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion Carries: All

The Mayor spoke about a recent Public Hearing concerning DEIS (Draft Environment Impact Statement) for proposed rezoning of property at the southern end of the village around the new overpass. Subsequent to that, the initial DEIS listed some drainage issues that occurred due to recent flooding episodes. The village, therefore, would like to consider a resolution authorizing the supplementation of the DEIS and an extension of the public comment period for the SEQRA review. The document reads as follows:

**RESOLUTION AUTHORIZING PREPARATION OF A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT AND EXTENSION OF PUBLIC COMMENT PERIOD FOR SEQR REVIEW OF THE DISCONTINUANCE OF SHORT CLOVE ROAD AND RELATED LAND USE AND ZONING ACTION**

**WHEREAS**, in 2008 the NYSDOT implemented an eminent domain taking on private lands in the Village and began preliminary construction on a new access ramp to Route 9W; and

**WHEREAS**, on December 1, 2008, the Village initiated review under SEQRA to consider the impacts associated with (1) the discontinuance of Short Clove Road and (2) certain land use and planning actions (together, "the Action") necessitated by the NYSDOT eminent domain taking and the construction of the new access ramp to Route 9W; and

**WHEREAS**, on February 19, 2009, pursuant to 6 NYCRR 617.6(b)(3)(i), the Village circulated a SEQRA lead agency coordination letter and Part 1 of the Environmental Assessment Form to the other involved agencies (NYSDOT, Region 8; NYS Department of Environmental Conservation, Region 3; Rockland County Department of Highways; Rockland County Department of

Planning) stating that the Village desired to assume lead agency status for the Action; and

**WHEREAS**, the Village received no objections to its request to act as lead agency for the Action within the time period imposed by 6 NYCRR 617.6(b)(3)(i); and

**WHEREAS**, on May 15, 2009, pursuant to 6 NYCRR 617.7, based on the recommendation of its consultants, the contents of the Environmental Assessment Form, and the criteria in 6 NYCRR 617.7(c), the Village declared itself lead agency, made a finding of significance, declared the Project a Type I action, issued a Positive Declaration and directed that a Draft Environmental Impact Statement ("DEIS") be prepared for the Project; and

**WHEREAS**, the Village's consultants prepared the DEIS for the Project, and on August 9, 2010, the Village declared the DEIS adequate with respect to scope and content for the purpose of commencing public review and thereafter filed a notice of completion of the DEIS and set a public comment period to run from August 13, 2010 to October 8, 2010, and the Village held the public hearing on the DEIS at Village Hall on September 28, 2010; and

**WHEREAS**, recent storm events of August 16, 2010 and August 23, 2010, and the resultant water pooling and run off on Riverside Avenue brought to the attention of the lead agency of significant existing flooding and drainage deficiencies in the vicinity of the action area not adequately described in the DEIS; ; and

**NOW, THEREFORE BE IT RESOLVED**, the Village of Haverstraw finds that existing flooding conditions and drainage deficiencies in the vicinity of the action area present an existing hazard to the health, safety and general welfare of Village residents; and be it further

**RESOLVED**, the present state of information in the DEIS does not adequately address the existing deficient drainage conditions in the vicinity of the action area and does not adequately address the potential impacts to stormwater runoff, and flooding of the proposed action; and be it further

**RESOLVED**, based on the newly discovered information, its importance to the health safety and general welfare of Village residents and the inadequacy of the present DEIS in addressing the potential for the proposed action to exacerbate these conditions, the Village has determined that a supplemental DEIS should be prepared; and be it further

**RESOLVED**, that the supplemental DEIS adequately document existing drainage and flooding conditions in the action area and immediate vicinity, as well as their potential causes, and explore potential impacts of the proposed action including abandonment of Short Clove Road and its drainage infrastructure and increased permissible impervious coverage with removal of the Mountain Protection Overlay east of Route 9W among other actions; and to propose such additional or alternative mitigations as may be practicable and appropriate; and be it further

**RESOLVED**, that the Village believes that the purposes and rules of State Environmental Quality Review (SEQR) pursuant to 6 NYCRR 617.1 and 617.3 are best served if the time period for preparation of the FEIS be extended until such time as an adequate supplemental DEIS on drainage has been prepared, and involved, interested agencies and the public given

adequate opportunity for review and comment so that the FEIS may present a comprehensive hard look at the impacts associated with the proposed action; and be it further

**RESOLVED**, the Village as project sponsor and lead agency consents to extending the time period for preparation of a Final Environmental Impact Statement until no earlier than 30 days following filing of a notice of completion of supplemental DEIS or 10 days following a public hearing on the supplemental DEIS if one is held; and be it further

**RESOLVED**, the subject matter and area to be studied in the supplemental DEIS are suitably narrow and defined as to not require scoping of the supplemental DEIS; and be it further

**RESOLVED**, that the Village hereby directs for its retained consultants to prepare a supplemental DEIS examining existing flooding conditions and drainage deficiencies in the vicinity of the project site including any deficiencies that may have been caused by preceding related actions such as the construction of the DOT Route 9W overpass currently under construction, and potential significant adverse environmental impacts that are likely to occur due to the proposed abandonment of Short Clove Road and its drainage infrastructure, increased impervious surface with elimination of the Mountain Protection Overlay District east of Route 9W and related actions as outlined in the DEIS; and be it further

**RESOLVED**, the public comment period on the draft environmental impact statement, previously accepted as complete shall be extended until such time as the comment period on the supplemental DEIS here ordered has been closed; and be it further

**RESOLVED**, that the officers, agents and employees of the Village Board are hereby authorized and directed to undertake such acts and execute, file and publish such documents as are necessary and/or appropriate to promptly effectuate this resolution, including but not limited to a Positive Declaration Notice of Intent to Prepare a Supplemental Draft EIS.

Mayor Kohut entertained a motion to that effect.

**RESOLUTION #195-2010**

Motion by: Francisco Batista  
Seconded by: Emily Dominguez  
Motion Carries: All

**ROLL CALL VOTE:**

Trustee Batista	- Yes
Trustee Bueno	- Absent
Trustee Watson	- Yes
Trustee Dominguez	- Yes
Mayor Kohut	- Yes

The Mayor announced that the updated 2010 Codes of the State of New York – Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code including the Existing Building Code, Building Code, Residential Code, Fire Code, Property Maintenance Code, Plumbing Code, Mechanical Code and the Fuel Gas Code needs to be adopted by the village

in order for the village to enforce these state codes as a part of the Village of Haverstraw codes.

The Mayor entertained a motion to that effect.

**RESOLUTION #196-2010**

Motion by: Francisco Batista

Seconded by: Emily Dominguez

Motion carries: All

Mayor Kohut then read a letter from the Village Planner, Stu Turner, requesting the board to assume lead agency status on the cell tower application previously mentioned.

The Mayor entertained a motion to declare the village as lead agency.

**RESOLUTION #197-2010**

Motion by: Emily Dominguez

Seconded by: Terence Watson

Motion carries: All

Mayor Kohut

**REPORTS OF STANDING COMMITTEES**

**FIRE & ORDINANCES** – **Trustee Rafael Bueno:** Absent. No report. The Mayor mentioned that the Haverstraw Fire Department took third place in the “line of march” at the recent Rockland County Firemen’s Parade.

**PUBLIC WORKS, BUILDINGS & GROUNDS** – **Trustee Terence Watson:**

Trustee Watson informed the board that two trees are doing damage to the house at 60 Picarello Drive. Three bids were received to remove the trees and to remove underbrush over the sewer drain. The lowest bid was from Northern Tree Service in the amount of \$2,000.00. Trustee Watson entertained a motion to accept the bid to remove the trees and the brush at 60 Picarello.

**RESOLUTION #198-2010**

Motion by: Terence Watson

Seconded by: Emily Dominguez

Motion Carries: All

Trustee Watson then read the following report submitted by George White, Superintendent of Public Works:

- 1) Assisted with the preparation for the street fair.
- 2) Continuing to cut grass of all V.O.H. properties, parks and lots.
- 3) Worked on the tool rack for the baseball field.
- 4) Repaired sinkhole on Hudson Avenue.
- 5) Repaired damaged pavement at the back of 36 Gurnee Avenue.
- 6) Cleaned all parking lots and parks of debris.
- 7) Continue to empty all public garbage cans @ streets, parks and lots.
- 8) Picked up yard waste, construction debris and white goods.
- 9) Cut down high brush @ Greenway Trail.

- 10) Assisted with cleanup of flooding from rainstorm on October 1<sup>st</sup> at Riverside Avenue, West Broad Street and Village Community Center.
- 11) Cleaned up debris on Leonard Street from several small trees that came down.
- 12) Unclogged problematic catch basins and assisted with all storm issues.
- 13) Started to winterize DPW vehicles.

Nothing further to report.

Mayor Kohut: The Mayor thanked the DPW for all their help with the street fair, which was a success for everyone involved.

**YOUTH & FAMILY SERVICES** - Trustee Emily Dominguez: Trustee Dominguez thanked the DPW staff for helping to clean out the water problem at the Community Center caused by the recent storm.

**BUILDINGS & CODE ENFORCEMENT** - Trustee Francisco Batista: Trustee Batista read the following Building Department report for the period of September 7<sup>th</sup> to October 1<sup>st</sup>:

Rental property inspections	-	37
Municipal searches	-	8
Miscellaneous inspections	-	100
Construction inspections	-	7
Complaints	-	18
Violations & tickets	-	74
Permits	-	7

Nothing further to report.

Mayor Kohut:

**OLD BUSINESS**

None

Mayor Kohut:

**NEW BUSINESS**

None

Mayor Kohut:

**SECOND PUBLIC PARTICIPATION**

Noel Rappaport, 31 New Main Street: Mr. Rappaport thanked the board for the drainage repairs previously made by the village which he believes prevented major flooding in the downtown area. He also commended the DPW on their quick response to cleaning up the area surrounding his store whenever he phones for their help, stating that nowhere else in the county has a harder working DPW crew.

Mayor Kohut: The Mayor announced the passing of Village Attorney, Jay Hood, Sr. who lost his battle with cancer that day. He spoke in high regard

about Counselor Hood who had been a part of the village since being appointed Village Court Judge in the 1970's. The Mayor spoke about the significant part Counselor Hood played in our village government and to him personally stating that Jay always worked toward what was best for the Village of Haverstraw and its residents. He was a good friend to the village and will be deeply missed by everyone who knew him. He thanked Jay Hood, Jr. for being at the meeting on the night of his father's passing and informed him that his father was proud to have him as a son and also that he should be very proud to have had Jay Sr. as his father. The Mayor then asked everyone to stand for a moment of silence.

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the meeting.

RESOLUTION #199-2010

Motion by: Emily Dominguez

Seconded by: Francisco Batista

Motion Carries: All

Respectfully submitted,

Beverly A. Swift  
Senior Steno Clerk