

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, April 18<sup>th</sup>, 2011, beginning at 8:00 PM.

## PLEDGE OF ALLEGIANCE

ROLL CALL	Trustee Batista	- Present
	Trustee Bueno	- Present
	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 ask questions or make comments. With no-one in attendance, the Mayor then opened a Public Hearing to amend Section 137-4 and Section 137-40, Penalties for Offenses Law. There were no public participants in attendance at this meeting, therefore,

Mayor Kohut entertained a motion to close the Public Hearing.

## RESOLUTION #87-2011

Motion by: Emily Dominguez  
Seconded by: Rafael Bueno  
Motion carries: All

Mayor Kohut entertained a motion to approve the changes to the Penalties for Offences Law.

## RESOLUTION #88-2011

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

Mayor Kohut:

## **REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY, Jay Hood, Jr.:** With regard to the fee schedule changes, Counselor Hood informed the board that a Public Hearing needed to be scheduled and the media would have to be notified.

Mayor Kohut: The Mayor scheduled a Public Hearing for May 2<sup>nd</sup> at 8:05 PM for fee schedule changes. He then scheduled a second Public Hearing for May 2<sup>nd</sup> at 8:10 PM to amend the residency requirements for the Court Clerks.

Jay Hood, Jr., Esq.: Counselor Hood presented the first proposed law for "Outdoor Dining at Village Restaurants". The law would require any restaurant wanting outdoor dining for their customers to obtain an annual permit. Although there will be no fee for the permit, the restaurants would have to meet all the requirements the Village has set for outdoor dining, including insurance, size of tables, etc. Counselor Hood presented the following law for approval:

## “Section 159 - Outdoor Dining/Sidewalk Cafes”

- A. **INTENT:** Outdoor dining in the form of a sidewalk café may be permitted by Special Permit of the Building Inspector, provided that such use is incidental to and in conjunction with an established permitted restaurant, drinking establishment, or delicatessen as permitted in the commercial districts. Outdoor cabarets and outdoor dining in conjunction with a cabaret are specifically prohibited.
- B. **SPECIAL PERMIT - SITE DEVELOPMENT PLAN:** The Building Inspector is authorized to issue a Special Permit, renewable yearly, to operate a sidewalk café on public property, provided that the standards and requirements set forth in Subsection C of this section have been complied with by the applicant. This exception applied only to sidewalks. The Building Inspector may refuse a renewal of the permit if in his judgment the use at that location has unreasonably interfered with vehicular or pedestrian traffic or the premises has a history of lack of cleanliness, or a violation of site plan, or for any other good cause which he may document.
- C. **STANDARDS AND REQUIREMENTS:** The Building Inspector shall require a simplified site plan to be filed as a part of each application and such plan shall conform in all respects to the following:
- a. There shall be a minimum of three feet of clear distance adjacent to the area occupied by the sidewalk café in order to allow adequate pedestrian movement. When an extended building line places a permitted establishment within 20 feet of the corner of a block, a sidewalk café shall only be permitted when it is determined that the use will not create a hazard, a sight distance obstruction for motor vehicle operators or unduly impede pedestrian traffic. There shall be no tables within or blocking an entrance or exit doorway.
  - b. A sidewalk café may be located only directly in front of the establishment with which it is associated. Sidewalk cafes shall be placed adjacent to the building and where the sidewalk is of such width and designs that it does not interfere with pedestrian or vehicular traffic. Tables may be permitted against or away from the building, within the Building Inspector's discretion, provided that pedestrian and vehicular traffic is not impeded.
  - c. The perimeter of the outdoor café area shall be highlighted with an erasable or removable marking. Such marking shall be applied by the permit holder at its sole cost. The permit holder shall be fully responsible for the proper application and removal of any such marking and shall be liable for any subsequent damage or permanent indication of such marking on the public sidewalk. A fully removable gateless fencing, no higher than table height, may be erected on the perimeter line and attached to the building if removed nightly.

- d. Furnishings shall consist solely of tables, table umbrellas, chairs, planters containing live plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property.
- e. No permanent structure or enclosure to accommodate the storage of furniture, accessories or accumulated garbage may be erected or placed adjacent to or separate from the sidewalk café on public property.
- f. A sidewalk café shall not interfere with any public service facility such as a mailbox or public bench located on a sidewalk.
- g. There shall be no additional requirements pursuant to the Village Zoning Code to provide parking for outdoor dining or sidewalk tables pursuant to this section.
- h. All outdoor cafes pursuant to this section must provide a food menu, but this shall not be interpreted to prohibit the service of beverages only.
- i. Tables shall be cleared promptly upon the departure of guests and all tables shall have ashtrays, which must be emptied and cleaned as needed. The management is responsible for a neat appearance and a tidy sidewalk in and about the area at all times.
- j. The permit holder of a sidewalk café shall maintain, at its sole expense, comprehensive general liability insurance coverage in an amount not less than \$1,000,000.00 with the Village named as additional insured.

#### D. OPERATING RESTRICTIONS

- a. The Building Inspector may prohibit or limit the hours of operation of any activities that may impact an adjacent or nearby properties, such as the operation or use of musical instruments or sound reproduction devices, or any noise emanating from the sidewalk café or outdoor vending area other than the conversational and service sounds.
- b. When the associated indoor establishment is not open or the sidewalk café is not in daily use, all furnishings shall be removed daily from public property.
- c. Permission to serve alcoholic beverages at sidewalk cafes shall be contingent upon the applicant obtaining written approval from the New York State Liquor Authority to serve such alcoholic beverages at the location of the sidewalk café. Proof of such permission must be provided to the Building Inspector prior to the issuance of any Special Permit. Additionally, all alcoholic beverages to be served at sidewalk cafes shall be prepared in the interior of the establishment.

- d. The restaurant shall not serve food or beverage to a patron at a sidewalk café unless that patron is seated at a table.
  - e. Sidewalk cafes and the public property on which they are located shall be kept neat and clean at all times and free from any substance that may damage the sidewalk or cause pedestrian injury.
  - f. The total number of patrons at any outdoor café or at any sidewalk tables authorized under this chapter shall not exceed six patrons as of 12:00 midnight of the morning following an evening of food and beverage service.
  - g. All outdoor cafes and sidewalk tables authorized under this section, as well as any furnishings used in association with the outdoor café area, shall be removed from the outdoor café area at or before 1:00 AM of the morning following an evening of food and beverage service.
- E. ENFORCEMENT: This section shall be enforceable by the Building Inspector, Village Code Enforcement Officer, the Town of Haverstraw Police or the Village Parking Enforcement Aides.
- F. PENALTIES FOR OFFENSES: Any person violating or failing to comply with the provisions of this chapter or with any order or direction lawfully given hereunder shall be liable to penalty not exceeding \$500.00, imprisonment for not more than 15 days, or both such fine and imprisonment.

The Village Board may revoke a Special Permit for outside dining if the Police are called to the establishment for a disturbance of any kind three or more times in a six-month period **OR** any conviction of an offense under this Chapter.

Mayor Kohut entertained a motion to approve the Outdoor Dining Law.

RESOLUTION #89-2011

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

Counselor Hood then spoke about exploring the Village Rent Law to consider blocking rent collection from illegal apartments in the Village.

Mayor Kohut entertained a motion to look into ways to effectively block rent collection for illegal apartments.

RESOLUTION #90-2011

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

Counselor Hood then requested the Board to authorize the Mayor to sign the paperwork regarding the easement on the Cintron property.

Mayor Kohut entertained a motion to that effect.

**RESOLUTION #91-2011**

Motion by: Rafael Bueno  
Seconded by: Francisco Batista  
Motion Carries: All

Counselor Hood requested approval from the Board for the Mayor to sign the authorization and send the map to merge the Warren Court lots to the Department of Finance.

Mayor Kohut entertained a motion to that effect.

**RESOLUTION #92-2011**

Motion by: Rafael Bueno  
Seconded by: Emily Dominguez  
Motion Carries: All

Counselor Hood then requested a meeting be scheduled to discuss the Local Development Corp.

Mayor Kohut: The Mayor scheduled a meeting to be held on May 2<sup>nd</sup>.

Counselor Hood had nothing further to report.

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

**MAYOR'S REPORT, Mayor Kohut:** The Mayor received a request from George White, Superintendent of Public Works, to attend the State of New York Annual Workshop on Highways, at a cost of \$366.00 for both the conference and hotel.

Mayor Kohut entertained a motion to approve George White's attendance at the above mentioned conference.

**RESOLUTION #93-2011**

Motion by: Rafael Bueno  
Seconded by: Emily Dominguez  
Motion Carries: All

Mayor Kohut: The Mayor then read a letter from Pastor Tim Tyree of the Bricktown Gospel Fellowship requesting approval to hold the "Rockland St. Kid's Fair" on Saturday, July 30<sup>th</sup>, 2011. They are also requesting use of the Village barricades to block the street during the fair, which will include live music, refreshments, games, crafts, storytelling, etc. They have a sufficient number of volunteers to assist with the fair and the cleanup afterwards.

Mayor Kohut entertained a motion to approve the "Rockland St. Kid's Fair" and to allow the use of the barricades.

RESOLUTION #94-2011

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

Mayor Kohut then entertained a motion to approve the 2010 LOSAP Participant List for the Village firefighters.

RESOLUTION #95-2011

Motion by: Rafael Bueno  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor presented the final 2011/2012 Budget for approval. The proposed budget has been reviewed by the board and revisions made. The finalized budget is now ready for approval.

Mayor Kohut entertained a motion to approve the 2011-2012 Village Budget with the following revisions:

Decrease Justice Personnel account	\$ 4,677
Increase Mayor Personnel account	5,000
Decrease Law Contractual account	60,000
Decrease Judgements & Claims account	50,000
Increase Contingent account	60,000
Increase Contingent OT account	5,000
Increase Firemen's Benefit account	16,000

Creating a net change of decreasing the total budget by \$28,677 and reducing the tax increase to 1.786%

RESOLUTION #96-2011

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

The Mayor received a letter from the Brick Museum requesting a change to the date of their Garage Sale from Saturday, October 8<sup>th</sup> to Saturday, September 24<sup>th</sup>.

The Mayor then spoke about the Graziosi lawsuit, requesting the Board to authorize the Village Clerk, Judith Curcio, to acquire information for the Bond Resolution referring to this lawsuit.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #97-2011

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

The Mayor mentioned the damage that occurred on Leonard Street from the storm on the previous Saturday, stating that the street buckled but has already been repaired by the DPW. He also mentioned that there was some flooding from the storm in both Dutchtown and the Harbors.

The Mayor had nothing further to report.

**Mayor Kohut:**  
**REPORTS OF STANDING COMMITTEES**

**FIRE & ORDINANCES** – Trustee Rafael Bueno: Trustee Bueno presented the following applications for membership into the Haverstraw Fire Department:

1. Konrad Majchrzak of Garnerville – to Cosgriff Hose Co. # 4
2. James R. Gormley of W.Haverstraw – to Cosgriff Hose Co. #4.

Both applications have been completed, notarized and are in proper order.

Mayor Kohut entertained a motion to accept both applicants into the Haverstraw Fire Department assigned to the companies of their choice.

**RESOLUTION #98-2011**

Motion by: Rafael Bueno  
Seconded by: Terence Watson  
Motion Carries: All

Trustee Bueno then requested approval of the new Chiefs elected to office at the Haverstraw Fire Department's Annual Chiefs Convention held on April 7<sup>th</sup>, 2011 as follows:

CHIEF	Patrick McNamee
1 <sup>st</sup> Assistant -	Albert Lynch
2 <sup>nd</sup> Assistant	Robert Drexler
3 <sup>rd</sup> Assistant-	Thomas Price
4 <sup>th</sup> Assistant-	John "Bart" Gordon

Mayor Kohut entertained a motion to approve the new slate of Chiefs for the Haverstraw Fire Department.

**RESOLUTION #99-2011**

Motion by: Rafael Bueno  
Seconded by: Emily Dominguez  
Motion Carries: All

The Board extended their thanks and appreciation to Ex-Chief Pete Rugg for his time and commitment to the Haverstraw Fire Department.

Trustee Bueno had nothing further to report.

**PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson:**  
Trustee Watson read the following report submitted by George White, Superintendent of Public Works dated April 18<sup>th</sup>, 2011:

- 1) Completed the work on the oil-water separator.

- 2) Laid down over 200 tons of blacktop and patched many potholes on streets throughout the Village.
- 3) Patched potholes in various alley ways.
- 4) Started to put the sweeper out six days a week.
- 5) Picked up yard waste, construction debris and white goods.
- 6) Completed various task in DPW buildings.
- 7) Started to de-winterize all snow plow trucks and equipment.

Trustee Watson had nothing further to report.

**YOUTH & FAMILY SERVICES** - Trustee Emily Dominguez: Trustee Dominguez had nothing to report.

**BUILDINGS & CODE ENFORCEMENT** - Trustee Francisco Batista: Trustee Batista read the following report submitted by Building Inspector, Ruben Berrios for the period of April 4<sup>th</sup> through April 15<sup>th</sup>:

Rental property inspections	-	5
Municipal searches	-	2
Miscellaneous inspections	-	99
Construction inspections	-	12
Complaints	-	6
Violations & tickets	-	8
Permits	-	3

Trustee Batista had nothing further to report.

Mayor Kohut:

**OLD BUSINESS**

None.

Mayor Kohut:

**NEW BUSINESS**

None.

Mayor Kohut:

**2<sup>nd</sup> PUBLIC PARTICIPATION**

Pete Rugg, 64 Hudson Avenue: Ex-Chief Rugg thanked the Board for all their support throughout his 10 years as Assistant Chief and Chief of the Haverstraw Fire Department.

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

Mayor Kohut entertained a motion to that effect.

**RESOLUTION #100-2011**

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

Respectfully submitted by,

Beverly A. Swift  
Senior Steno Clerk  
April 27, 2011