

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, October 17, 2011, beginning at 8:00 PM.

PLEDGE OF ALLEGIANCE

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

Mayor Kohut: The Mayor informed everyone that Trustee Watson was not present at the meeting due to a back ailment. He then continued the meeting with the first Public Participation inviting the public to ask questions or make comments.

Noel Rappaport, 31 New Main Street: Mr. Rappaport asked for an update on the Gurnee Avenue.

Mayor Kohut: The Mayor responded that the curbs and sidewalks are being replaced between Warren Knolls and Hoover.

Barry Berman, 21 Broadway: Mr. Berman mentioned that over the past few years the Village has been condemning properties to give Martin Ginsburg availability for his projects. He recommended that the Village condemn the property that was supposed to go to the DPW, also stating that Mr. Ginsburg has not given the Village anything over the past few years.

Mayor Kohut: The Mayor informed Mr. Berman that it was a total of 2 acres that GDC was supposed to build new DPW facilities on. He also explained that Mr. Ginsburg is going to give the property to the Village, which the Mayor has been discussing with Mr. Ginsburg. He also mentioned that when the Village condemns any property they have to pay for it. He feels it is in the Village's best interest to wait until Mr. Ginsburg is ready to hand it over to the Village, with no fees involved.

Barry Berman: Mr. Berman then mentioned the baseball field and Mr. Ginsburg's promise in that matter, which never came to fruition. He feels if Mr. Ginsburg does not come across within the next six months, the board should condemn the property. He also believes that the Village could use the services provided by the Army Corps. of Engineers who do repair work on flooded land, with the possibility of no payback.

Sherry Copeland, 68 New Main Street: Ms. Copeland questioned the Board with regard to the Chicken Law. She wanted to know the number of chickens that would be allowed and if the Board had passed the law.

Mayor Kohut: The Mayor stated that the law would be coming up for a Public Hearing and possible approval some time in December. The proposed law states that eight (8) chickens, not roosters, would be allowed.

Sherry Copeland: Ms. Copeland then inquired if the County has any regulations with regard to raising chickens.

Mayor Kohut: The Mayor responded that the County does not have any laws with regard to chickens. It is up to the individual municipality to set limits on how many chickens a homeowner can have.

Sherry Copeland: Ms. Copeland asked why the Board would create a law stating the maximum number of chickens that can be owned.

Mayor Kohut: The Mayor believes if a restriction was not put on the number of chickens allowed on an individual property that chicken farms would start to surface throughout the Village. Chickens are currently not allowed in the Village and by putting restrictions on the number that could be allowed, the law would control the odor, the noise, the size of the property, etc.

Emily Dominguez: Trustee Dominguez wanted to make it clear to Ms. Copeland that this would be a law delegating rules and regulations strictly for the Village of Haverstraw and has nothing to do with the rest of the County.

Sherry Copeland: Ms. Copeland stated that the Farmer's Market sign says that it is sponsored by the Chamber of Commerce. She wanted to know if the Village contributes or is involved in any way.

Mayor Kohut: The Mayor informed Ms. Copeland that the Village supplies the location, barricades and some funding for the market.

Sherry Copeland: Ms. Copeland asked what the Chamber contributes.

Mayor Kohut: The Mayor responded that the Chamber also puts money into the market and they have a 501C3 status allowing them to apply for grant money for the market.

With no further questions from the public, the Mayor moved forward with the agenda, the next item being a Public Hearing regarding telecommunication facility sites. He invited Max Stach of Turner Miller Group to present the proposed law, after which either Mr. Stach or Counselor Hood would answer any questions.

Max Stach, Consultant, Turner Miller Group: Mr. Stach mentioned that the Board approached him with regard to obtaining examples of rules and regulations concerning site locations for telecommunications facilities. With this in mind, after reviewing several laws he decided on a Local Law from a municipality in Long Island. This particular law prioritizes sites within the Village, where these sites can be located, establishes preferences for co-locations and states preferences for sites to be located in remote areas of lower residential density. It also provides several controls for protections in terms of liability insurance, inspection, ongoing maintenance and establishes exact standards of what applications should contain. Currently the Village controls wireless communications facilities as utility facilities and provides no standards for applications, type of insurance and what type of controls are relevant. He provided the Village Board, as well as the County Planning Board, with a copy of the law; both came back with comments. In order to best serve the Village some of those comments have been incorporated into the copy of the law. In order to adopt this law the Village would have to override the County's recommendations.

Mayor Kohut: The Mayor felt that the siting priorities would be what the public would be most interested in and asked Mr. Stach to go into further detail about that.

Max Stach: Mr. Stach stated that when an applicant first applies, the Board would require them to obtain a Special Use Permit, which is currently the level of control that is required for a utility installation. This new law would provide more standards for what the Special Use permit must contain. In the abbreviated process, if you have an existing wireless tower in the PI district, the applicant can simply go to the Building Inspector with the required technical information and the Building Inspector could then retain the RF engineer to check that all the calculations for safety are within the range established by the FCC. The applicant can then obtain a Building Permit to put an additional antenna on that existing facility, which would require long involvement by the Planning Board. Under any other instance, however, the application would be presented to the Planning Board who would check this against the priority list, which states that the first preference of the Village would be to co-locate on an existing village structure; with this the Village would have the most control over any application on an existing Village structure, because it is providing a lease agreement that has the ability to provide safety and control factors. The second preference would be new construction on Village owned property. This is a step below co-location because of dealing with a new structure, which has more potential for visual impacts. After those two are exhausted, the Planning Board would look to have the tower co-located on an existing structure in an industrial, waterfront or special purpose district, which would be the districts located along the peripheral parts of the Village furthest from the downtown core. They would already have large scale structures on the buildings, which can be integrated into with very little visual impact. After that, there are new facilities in the outlying districts, which again would have more potential for visual impacts. Following that there would be co-locations on existing structures in the central area of the Village, but on an existing building with telecommunications facilities. After that, it would be co-location on existing facilities that do not have telecommunications devices already installed. The Board would then have to go through the rules, regulations and priorities for each application and, if at all possible, co-locate the new installation because all the safety factors would have already been met. Lastly it would be a new facility not located on a structure. It would be a new location in the more central part of the Village. In order to not locate on the highest location, the applicant would have to provide a statement saying that they have looked at the potential options and why they can't for each priority listed.

Mayor Kohut entertained a motion to open the Public Hearing.

RESOLUTION #206-2011

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

Barry Berman: Mr. Berman mentioned that he currently has a Metro PC cell tower on his building at 21 Broadway. He wanted to know if someone else wants to install another tower on his facility if they would have to go before the Planning Board.

Max Stach: Mr. Stach informed Mr. Berman that for co-location in an industrial, waterfront or special purpose district the applicant would only have to go to the Building Inspector. For co-location in the downtown area, the applicant would have to go through the whole process, including the Planning Board. According to this new law Mr. Berman would fit into priority #5 on Page 9 and 10 of the law and since he already has a tower on his building it would give him priority over any other existing structures without equipment on the buildings.

Mel Post, 1422 Round Pointe Drive: Mr. Post applauded the first two priorities and inquired how much influence the priorities will really have when brought to the Village and Zoning Boards or any future boards.

Max Stach: Mr. Stach responded that the law is written to give the authority to the Planning Board to reply with placement of the equipment at a higher priority area out of the seven (7) listed in the proposed law.

Jay Hood, Jr., Esq., Village Attorney: Counselor Hood mentioned that when an applicant receives their license from the Federal government to have communication equipment in an area the application has to cover a certain square footage of space or the location will not work for that particular applicant.

Mel Post: Mr. Post still feels that any future installations should be on Village owned properties so the Village can receive the revenue.

Mayor Kohut: The Mayor explained that if the Village chose to do so, it would have priority over any other applicant.

Chris Fisher, Vice President, New York State Wireless Association: Mr. Fisher stated that their constituents consist of wireless carriers, tower infrastructure companies, the wireless industry. They are also affiliated with the PCIA (a national association). Their main objective is to be an interchange for information in order to help facilitate better understanding of the wireless infrastructure in general. His organization is currently in the process of preparing written documents to give the Board listing their perspectives on the wireless industry, some of which will be legal and some of which will be practical. Currently, the process requires joint hearings, approvals, etc. and he feels this process could be simplified for upgrades to existing facilities from time to time with the change in the technology, which is completely different than establishing a new site. On the issue of the use of village property, they try to work cohesively with the municipality to try to establish sites, including leasing of property where appropriate, however, there would be some concern with regulatory requirements that establishes a priority on a higher level than other similar situated properties. There has been some litigation in this matter, but overall, it is the cross-section of the Village acting as property owner or the Village acting as regulator. There are other specifics that they would like to address with the Board, especially since wireless devices are becoming more and more the sole means of communication for the majority of people. They would like the opportunity to make comments prior to the adoption of the law.

Mayor Kohut: The Mayor explained that the Board's intent is to leave the hearing open for written comments. He asked Mr. Fisher to bullet their

comments in the same order as the paragraphs, which would be very useful to the Board when they are reviewing all comments. The Mayor mentioned that they do have an application waiting for review.

Mayor Kohut entertained a motion to continue the Public Hearing on November 21st.

RESOLUTION #207-2011

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

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: Counselor Hood informed the Board that the Six Kays, LLC Tax Certiorari has been settled and is awaiting the signature of the Judge. For the record, the yield assessment is currently \$32,100 and is going down to \$20,000, leaving a deficit of \$12,100 which calculates to a refund of \$1,671 for the property located at 63 Main Street. He requested the Board's permission to sign off on this document.

Mayor Kohut entertained a motion to allow Counselor Hood to sign the Stipulation Settlement on the 63 New Main Street property.

RESOLUTION #208-2011

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

Counselor Hood informed the Board that he is working on the Settlement for the McGuire property on Main Street, which he will have ready for the next meeting. He then mentioned that the Quality Of Life Board will be meeting on Thursday night at 7:30 PM to discuss several complaints they have received, including Sharp Street, Spring Street and the alley between Sharp and Hudson. He invited everyone to join them on Thursday night to see the progress that they have been making.

Counselor Hood had nothing further to report.

VILLAGE TREASURER, Judith Curcio: Deputy Clerk/Treasurer Damaris Torres sat in for Ms. Curcio, who was out due to a family illness. Ms. Torres stated that there was nothing new to report from the Treasurer's office.

MAYOR'S REPORT, Mayor Kohut: The Mayor received a request from Big Brothers/Big Sisters to sign the 2011/2012 contract at the existing amount of \$5,000.00.

Mayor Kohut entertained a motion to authorize his signature on the document.

RESOLUTION #209-2011

Motion by: Francisco Batista

Seconded by: Emily Dominguez

Motion carries: All

The Mayor received a letter from the Justice Court Clerk requesting permission for the Deputy Village Attorney to prosecute parking tickets. He requested Counselor Hood to speak with Mr. Laureano with regard to this matter. The Court has a backlog of tickets which needs to be taken care of.

The Mayor mentioned that there was a groundbreaking ceremony held that day for installation of a WWII Memorial, which will take place on December 7th, the 70th Anniversary of the bombing of Pearl Harbor. He spoke about the original memorial, which was a large monument that stood on the now Middle School property, which was destroyed and replaced by a small undignified monument in front of the Village Hall. This monument has also been severely damaged and the North Rockland Rotary is looking to replace it with a more distinguished monument to honor all those who served their country in that time of great need. He and Ex-Mayor "Bud" Wassmer had always spoken about replacing that monument. Mr. Wassmer is now President of the Rotary and has asked to take that on as his legacy project. People can buy bricks that will be the path leading up to the monument, which will be installed at the Village Clock Square. There is information at the Village Hall with regard to purchasing a brick.

The Mayor then informed everyone that the Village is also getting ready for the dedication of a memorial to honor Village resident, Corporal Manny Lopez, who along with others gave his life in Iraq. He mentioned that the Warren Court ball field was named in honor of Corporal Lopez and that Yolanda Lopez, his mother, has been working on raising funds to have a monument constructed not only to honor her son, but to honor all those who served and died from Rockland County. That dedication will hopefully take place sometime in late November. The Mayor will let people know more specifics as they become available.

The Mayor then informed everyone that he believes the overpass on Route 9W will be open next week. He has not heard anything yet about a grand opening ceremony. Since it is a State project it is up to them to set up a grand opening.

The Mayor asked Max Stach, from Turner Miller, to present the parameters of a Request for Proposal (RFP) that will be going out for bid on the Henry Hudson Quadracentennial Park. The Village has received a \$1 million grant for this project, which will be a linear park (a promenade), that will run from Emeline Park north to Warren Avenue by the church in Little Italy. This promenade has been in the waterfront development planning stages since the start of the Harbors project.

Max Stach: Mr. Stach again mentioned that the Village has the grant to design and construct a promenade park along the Village waterfront. He stated that it is a State funded project and has to go out to bid and that the RFP sets the standards that the proposals must be met and the process that the applicants must go through for this project. The Village would be required to do surveys for shoreline stabilization, ownership, legal status of certain lands, etc. and then design the promenade. Landscape architecture

would be involved as well as decisions regarding the infrastructure itself; lights, fencing, sidewalks, etc. The bidders would have to provide environmental compliance with this project, whether the soils are clean, engineering design, etc. The Village will have the option to have the bidder manage the project. The RFP sets forth the standards under which the Village will entertain the proposals. The Village will entertain proposals, taking into consideration experience and qualifications with similar projects, scoring criteria, cost effectiveness of the proposal, services included for the price, the quality of the actual response and presentation, etc. There will be interviews conducted following the selection of bid proposals. Turner & Miller will monitor all the proposals for this project through their Hudson Valley Purchasing website. They are requesting all questions from applicants be submitted by November 4th with the sealed bids to be submitted by November 21st to the Village Clerk.

Mayor Kohut entertained a motion for the Turner Miller Group to move forward with the RFP.

RESOLUTION #210-2011

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

Barry Berman: Mr. Berman inquired what the fee will be for the Mr. Stach's services. He requested the Board be watchful with the grant money so they do not spend it on wasteful expenditures. He spoke about Ex-Trustee Cintron's pier project, where money was spent over the years for research and also the sidewalk project.

Mayor Kohut: The Mayor responded that Turner Miller Group will receive normal fee paid for this type of service, however, the total amount will depend upon the number of bid proposals received. The Mayor had nothing further to report.

Mayor Kohut:
REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – Trustee Rafael Bueno: Trustee Bueno read the following fire prevention schedule and apparatus assignment submitted by Fire Chief Patrick McNamee:

<u>DATE</u>	<u>SCHOOL</u>	<u># OF STUDENTS</u>	<u>TIME</u>	<u>COMPANY</u>
Nov. 2	Haverstraw Middle	583	9:00	4-100
Nov. 7	Haverstraw Headstart	200	9:00	4-100
Oct. 26	Neary Elementary	512	9:00	4-1750 4-1501
Oct. 21	St. Peter's	350	8-15	4-100

Trustee Bueno then submitted the following application for acceptance to the Haverstraw Fire Department:

Baneury Martinez – Lady Warren Hose Company #5

His application was complete and in proper order.

Mayor Kohut entertained a motion to accept Mr. Martinez into his chosen fire company.

RESOLUTION #211-2011

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion Carries: All

Trustee Bueno had nothing further to report.

Francisco Batista: Trustee Batista commended the Haverstraw Fire Department volunteers for all the efforts they put forth during Fire Prevention Week and always. Not only are the children learning what to do in case of a fire, but they enjoy being with the volunteers and seeing the equipment.

PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson:

In Trustee Watson's absence, Mayor Kohut read the following report submitted by George White, Superintendent of Public Works for the period ending October 17th, 2011:

- 1) Continued the installation of damaged signs throughout the Village.
- 2) Continued preparing all trucks for the winter season.
- 3) Started leveling sidewalks on Hudson Avenue in front of Central Presbyterian Church.
- 4) Cleared sewer blockage on 18 Broadway.
- 5) Completed the installation of the fence, top soiled and seeded the bus stop on Broadway.
- 6) Black topped various locations throughout the Village.
- 7) Picked up yard waste, construction debris and white goods.
- 8) Cleared the alleyway that runs from New Main Street to Fairmount Avenue.
- 9) Due to inclement weather, many scheduled task were not performed.

That completes Mr. White's report, however, the Mayor did want to mention that the DPW started the sidewalk and road programs. Repaving of Division and Clinton will be within the next two weeks. Handicapped ramps are going in on Clinton Street and new sidewalks on the south side of Gurnee between Hoover and Warren Knolls.

There was nothing further to report.

YOUTH & FAMILY SERVICES - Trustee Emily Dominguez: Trustee Dominguez read the following bi-weekly report for the Haverstraw Center for the period of October 1st through October 17th as follows:

Counseling Services:

In the month of October, the Reachout staff saw 26 individuals and their family members in individual, group or family counseling, for a total of 53 counseling sessions.

Counseling Rap Group:

This new group for Fieldstone and High school aged youth began this month, meeting weekly with seven students. The group discusses issues pertinent to this age group; dating, school, decision-making, family, with a strong emphasis on drug prevention as a main theme.

Homework Help: There are 75 young people from 2nd grade through high school attending daily. Trustee Dominguez gave a special thank you to all the volunteers who assist the staff at the center.

Girls' Circle/Club: Two groups meet weekly with a total of 26 middle-Fieldstone-aged girls to discuss age-appropriate topics such as self-esteem, decision-making, as well as engaging in positive activities such as community service projects.

Boys' Council/IMPACT: These groups are slated to begin at Haverstraw Center this week.

JUMP Mentoring Program: There are 15 young people ages 9 to 16 that are being seen weekly in mentoring groups with five adult mentors from the community. This program is run in conjunction with Big Brothers Big Sisters of Rockland.

Teen Advisory Board: There are eight young people from Fieldstone ages and up who meet weekly for the purpose of addressing larger community issues such as the sales of alcoholic energy drinks in the Village, volunteerism such as working with seniors at Haverstraw Place, and positive involvement with college days, field trips, etc.

Caught Being Good: There are currently 80 to 100 young people participating in the Monthly Youth Celebration, where all young people who are "caught" with improved behavior or outstanding services are recognized. This is done on a weekly basis by the staff.

Straight To The Top: This program has 25 elementary to high school aged youth participating weekly as a way to improve school performance not only academically but also behavioral performance.

Haverstraw Collaborative: 37 members attended the October Collaborative meeting. The mission of the Collaborative is to unite our efforts and resources for the health, safety, and well-being of the children, youth, elders, adults and families of Haverstraw, and to raise the quality of life for all people of our diverse community. Focus of the October meeting was on health disparities based on economics, race and gender, the transition plan for the North Rockland Central School District, Domestic

Violence Awareness month, and to go over the highlights of the Collaborative Summit in September.

Community Garden: Harvest Day took place at the end of the month. BOCES recently met with the Center to discuss pursuing a grant whereby they would give money and human resources to work with students to keep the garden going strong next year and beyond.

Teen Nights: Teen Night for Middle School youth takes place monthly on the third Friday night of each month when the Center is open late for various positive alternative activities. Teen Night for Fieldstone to high school youth is the 4th Saturday of the month. Thus far, more than 70 young people in total have participated each month.

Haverstraw Center has been awarded a grant from the Rockland County District Attorney's office to host the DA's Drug Market Intervention (DMI) program. This program helps the community as a whole to change norms around drug use and drug dealing by confronting low-level drug dealers and offering them an opportunity to change their ways or be arrested.

Trustee Dominguez then mentioned that there will be a project starting for the concession stand at the Cpl. Manny Lopez ball field. It will begin on October 29th with a ground breaking at 9:30 AM and will run for five straight weekends. Many different companies will be lending their services to the project, but she mentioned if anyone would like to volunteer they should contact the Village Hall. She is hopeful that the shell of the building will be completed over this period of time.

Trustee Dominguez had nothing further to report.

BUILDINGS & CODE ENFORCEMENT - Trustee Francisco Batista:
Trustee Batista had nothing to report.

MINUTES – The Mayor presented the minutes of Regular Meeting of September 19th and October 3rd for approval.

Mayor Kohut entertained a motion to approve both sets of minutes as written.

RESOLUTION #212-2011

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

Mayor Kohut:

OLD BUSINESS

None.

Mayor Kohut:

NEW BUSINESS

None.

Mayor Kohut:

2nd PUBLIC PARTICIPATION

Noel Rappaport: Mr. Rappaport informed the Board that the “Welcome to Haverstraw” sign on Short Clove Road is damaged and should be replaced.

Barry Berman: Mr. Berman is aware that the Village Board has been supporting the Farmer’s Market, but he believes that it is becoming a political hangout and the people that are running it are soliciting names and promoting propaganda and turning it into a place for political ambitions. He feels it is not something that the Village should be involved with at this point. The market should be for the people of the Village and not for their own self accomplishments.

Mel Post: He is not there weekly, but he has never observed this type of activity. He asked if anyone from the Board has seen this type of activity at the market.

Francisco Batista: Trustee Batista stated that he has seen this type of activity carried on at the Farmer’s Market and it made him feel very uncomfortable. One person actually approached him, telling him all the particulars that many of the people were discussing. If they want to do that, they can go outside the market area and discuss whatever they want, but not at the market. The location has been given to them by the Village with support from the Village. There were at least 5 people that day involved in this type of conversation at the market.

Mayor Kohut: The Mayor stated that this is something that will have to be addressed by the Board.

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 #213-2011

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

Respectfully submitted by,

Beverly A. Swift
Senior Steno Clerk
October 25, 2011