

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Tuesday, January 17<sup>th</sup>, 2012, 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.

Noel Rappaport, 31 New Main Street: Mr. Rappaport took this opportunity to thank all the volunteers who responded to the gas explosion in West Haverstraw this past week, mentioning the two firefighters who were injured during the explosion.

Arti Taub, 3304 Leeward Drive: Mr. Taub commended the Village Trustees on the beautiful job they did throughout the Holiday Season with the decorations in the Village, including the Menorah and the Christmas tree.

Mayor Kohut: The Mayor mentioned that it was the DPW staff and agreed it was a job well done. He then announced that Jay Hood, Jr., Village Attorney, was not feeling well and would not be at the meeting that night, therefore, he would be take on his duties for the night, the first being a Public Hearing with regard to "SWIMMING POOL REGULATIONS". As per a request by the Building Inspector, the Mayor read the part of the Local Law to be amended as follows:

This Local Law rescinds Section 245-22(J), replacing it with new Section 245-22(J) as follows:

(J) This section applies to all swimming pools with exception of rubber or plastic pools, which are less than 18 inches in height, and are merely laid on the ground without filtration and are of the type generally used by children.

Mayor Kohut entertained a motion to open the Public Hearing.

### RESOLUTION #9-2012

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

The Mayor opened the floor for comments and questions from the public.

With no input from the public, Mayor Kohut entertained a motion to close the Public Hearing.

### RESOLUTION #10-2012

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

Mayor Kohut then entertained a motion to approve the change to the "Swimming Pool Regulations" §245-22(J).

RESOLUTION #11-2012

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

Mayor Kohut: The Mayor then proceeded with the second Public Hearing with regard to a proposed revision to §137-2 "ISSUANCE OF BUILDING PERMITS". The change to this law is also being requested by Ruben Berrios, Building Inspector.

This Local Law rescinds §137-2 the current law, which reads as follows:

A Building Permit is required for:

- 1) The construction, reconstruction, moving, demolition, structural alteration or change in the use of a building or structure.
- 2) The replacement of a roof or sandblasting.
- 3) Any change in the bulk of a building structure affixed into the ground, or non-building use, but not including ordinary repairs, which are not structural in nature.
- 4) The erection, moving, alteration or display of any sign, with the exception of the type of signs permitted in the R-1 District in Use Table, Column E, Nos. 1 & 3. (Editor's Note: The Use Table appears at the end of Chapter 245, Zoning.)
- 5) The installation of a storefront protective grille, which shall be of open construction.

The Mayor stated that the amendment to the existing Local Law is the addition of item #6, which reads as follows:

- 6) Any change to the façade of a structure in the Central Business District zone, including paint color.

Due to the colorful revisions being made to the architecture in the downtown business district, many residents, the Board, the Building Inspector and the Architectural Review Board have requested that the Village be given control over the color of paint revisions made to the buildings, which the Village currently has no control over. Everyone would like to have the choice of colors limited to coincide with the business district's Victorian architecture.

Mayor Kohut entertained a motion to open the Public Hearing for the addition to §137-2 "ISSUANCE OF BUILDING PERMITS".

RESOLUTION #12-2012

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

Noel Rappaport: Mr. Rappaport inquired if a business can still install open faced grilles on their storefronts.

Mayor Kohut: The Mayor explained that nothing in the law is being changed except for the addition of the choice of paint colors to be used on any building located in the downtown business district.

Arti Taub: He inquired how the owners of the buildings would be notified of this change.

Mayor Kohut: The Mayor informed the public that the Building Inspector periodically sends out "Information Sheets", which are hand delivered, or if he sees anyone starting to prepare their buildings for painting he will let them know the new requirements.

With no further input from the public, Mayor Kohut entertained a motion to close the Public Hearing on §137-2 "ISSUANCE OF BUILDING PERMITS".

RESOLUTION #13-2012

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

Mayor Kohut entertained a motion to approve the addition to Local Law §137-2 "ISSUANCE OF BUILDING PERMITS".

RESOLUTION #14-2012

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

Mayor Kohut: The Mayor then discussed the Special Permit request received at a previous meeting from Hector Sotomayor of 29 Broadway. His request for a Special Permit was forwarded to the Building Department and Planning Board for their review. The Planning Board has met with the applicant and has returned a negative recommendation to the Village Board based on full discussion of the issues with the Village engineers. The Mayor then read the following letter from Brooker Engineering:

Village of Haverstraw Planning Board,

Re: Hector Sotomayor - 29 Broadway, Special Permit, Tax Lot #27.45-2-53, BE# HAV 0122

We have completed our review of the narrative, survey and architectural plan submitted with regard to the above captioned property consisting of:

- Survey prepared by Robert Rahnefeld, PLS dated 1/29/1985.
- Architectural plan entitled "Proposed Apartment Layout and Alterations", prepared by Jorge Lopez, Architect, dated 8/16/11, 1 sheet.

The applicant is requesting Special Permit approval for a basement apartment in the CBD district. Our comments are as follows:

- 1) Section 245-14H of the Village Zoning Code permits approval of a dwelling unit located **above** a nonresidential use, not **below** the use. The first floor of this building is currently a Pharmacy and medical office. Section 245-14H (1) specifically states that a nonresidential use is prohibited above a floor containing a residential use.
- 2) Section 245-14H (2) states that a suitable, safe, direct and attractive means of access shall be provided to the dwelling unit for pedestrian use. The plan submitted does not clearly show the pedestrian access.
- 3) A Site Plan shall be submitted demonstrating the access to the apartment does not rely upon the adjoining Lot #52. It appears the only access to the proposed dwelling unit is through a village owned parking lot and potentially across the adjoining Lot #52.
- 4) The survey indicates a rear setback of 3.7 feet from the building face to the property line. The architectural plan indicates the access steps are 4.9 feet from the building face, thus appears to encroach upon the adjoining lot by 1.2 feet.
- 5) Section 245-14H states that no such dwelling unit shall contain more than two bedrooms. The architectural plan submitted shows three proposed bedrooms.
- 6) As there is no available parking on the lot for the proposed three bedroom unit, how does the applicant propose to provide parking for the potential tenant(s)?
- 7) The Site Plan shall indicate the invert elevation of the sanitary sewer to confirm a viable sewer connection is feasible.

Submitted by Eve M. Mancuso, P.E., Brooker Engineering, PLLC

Emily Dominguez: Trustee Dominguez suggested that the Board, the Building Inspector and the Site Engineer visit the above stated property to inspect the site in question prior to a decision being made by the Board.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #15-2012

Motion by: Emily Dominguez

Seconded by: Rafael Bueno

Motion Carries: All

Mayor Kohut:

### **REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY, Jay Hood, Jr.:** In the absence of Counselor Hood the Mayor discussed the following matters, which needed to be addressed at this meeting:

- 1) Tax Certiorari - Counselor Hood has been working with the Village Assessor, Edey McCarthy, to settle various tax certioraris, including GDC Properties and the Harbors of Haverstraw Homeowners Association. He is asking for authority to settle the proposed tax certioraris subject to receiving final numbers from the Assessor on refunds, etc.

Mayor Kohut: The Mayor entertained a motion to give Counselor Hood the authority to settle the tax certioraris, subject to the Board's approval of the final numbers.

RESOLUTION #16-2012

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

- 2) The Mayor stated that Counselor Hood is requesting authorization to order an appraisal on the Damiani property, north of Emeline Park.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #17-2012

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

The Mayor then explained that the purpose of the appraisal is to ensure that the Village is not paying more than the fair appraisal price for the property. The Village has been negotiating with the property representative. He further stated that the Village will need to execute the contract when it is received from the seller, providing it is fair and accurate.

Mayor Kohut entertained a motion for the Mayor to be able to execute the contract as stated above.

RESOLUTION #18-2012

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

Mayor Kohut: The Mayor stated that the owner is asking \$462,000.00 for the 1.9 acre riverfront site. In order to proceed with paying for the property, the Board is proposing to do a short term note in the amount of \$500,000.00. The Mayor then read the summary of the bond resolution as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$500,000.00 BONDS OF THE VILLAGE OF HAVERSTRAW, ROCKLAND COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF REAL PROPERTY OF APPROXIMATELY 1.9 ACRES, IDENTIFIED AS SECTION 27.46, BLOCK 1, LOTS 80 AND 81 AND COMMONLY KNOWN AS THE DAMIANI PROPERTY, IN AND FOR SAID VILLAGE.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the

provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

RESOLVED, by the Board of Trustees of the Village of Haverstraw, Rockland County, New York, as follows:

Section 1. For paying the cost of the acquisition of real property of approximately 1.9 acres, identified as Section 27.46, Block 1, Lots 80 and 81 and commonly known as the Damiani Property, in and for the Village of Haverstraw, Rockland County, New York, including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$500,000.00 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The estimated maximum cost of the aforesaid specific object or purpose is hereby determined to be \$500,000.00, and the plan for the financing thereof is by the issuance of the \$500,000.00 bonds of said Village authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision twenty-one of "paragraph a of Section 11.00" of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized may exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Haverstraw, Rockland County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent such principal and interest is not paid, other sources there shall annually be levied on all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Haverstraw, Rockland County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct

the sale, and award the bonds in such manner as he/she shall deem best for the interests of said Village, provided, however, that in the exercise of these delegated powers, he/she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph C of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published, in summary, in the *Rockland Journal News*, a newspaper having general circulation in said Village, together with a notice of the

Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Mayor Kohut entertained a motion to approve the bond resolution as written above.

**RESOLUTION #19-2012**

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

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee Batista	- YES
Trustee Bueno	- YES
Trustee Watson	- YES
Trustee Dominguez	- YES
Mayor Kohut	- YES

The resolution was thereupon declared duly adopted with a vote of 5 - 0.

The Mayor had nothing further to report for the Village Attorney.

The Village Board has determined that this property is pivotal to the proper development of the waterfront property; therefore, it is essential for the board to obtain this property and merge it with the Chair Factory property.

**VILLAGE TREASURER, Judith Curcio:** Ms. Curcio read her report for the months of November & December as follows:

Total Disbursements	\$1,341,863.00
Total Revenue	\$ 483,952.00

Ms. Curcio had nothing further to report.

**MAYOR'S REPORT, Mayor Kohut:** The Mayor stated that amendments need to be made to the budget as follows to pay for the Bond Anticipation Note on the Chair Factory, which will be due in February:

Increase Acct. A9730.6	Bond Principal	\$25,000.00
Increase Acct. A9730.7	Bond Interest	\$ 7,900.00
Decrease Acct. A1990.4		\$32,900.00

Mayor Kohut entertained a motion to that effect.

**RESOLUTION #20-2012**

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



The Mayor then announced that the Community Development Fund applications have to be submitted by January 30<sup>th</sup>. After discussions with the Community Development Advisory Board, the following applications have been selected to be forwarded to the Rockland County Community Development Board:

- 1) The Village of Haverstraw - To continue the street and sidewalk program in the amount of \$150,000.00.
- 2) GET – \$25,000.00 for this organization, located in the Village, that helps small businesses and entrepreneurs with new business ventures in the Village.
- 3) Haverstraw Village Local Development Corporation - \$25,000.00. This is an adjunct of the village that has to exist as a separate entity, as well as a separate location from the Village Hall. It would be a fundable item under RCCD. They would help the Village to obtain financing for economic development purposes within the Village, including redevelopment of the “Ben Franklin Building” at 14 Broadway, affordable housing, etc.
- 4) Acknowledge that the Arts Alliance be allowed to continue applying to Community Development, which does not have to be approved.

Mayor Kohut entertained a motion to forward the above applications to the Rockland County Community Development Office.

RESOLUTION #21-2012

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

Mayor Kohut: The Mayor received a request from the Calvary Baptist Church to place two banners; one at the New Main Street entrance to the Village and the other on Samsondale Avenue, in honor of their centennial anniversary being celebrated from April 20<sup>th</sup> to April 23<sup>rd</sup>. They would like them to be hung on or about the 15<sup>th</sup> of March to remain until Sunday, April 23<sup>rd</sup>.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #22-2012

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

Mayor Kohut: The Mayor requested authorization for the Mayor to be authorized to sign contracts with the Town of Haverstraw for their funding towards the Reachout Counseling event. The amount of the contract is \$20,000.00.

Mayor Kohut entertained a motion to that effect.

**RESOLUTION #23-2012**

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

Mayor Kohut: The Mayor announced that the second meeting of February falls on President’s Day, a federal holiday, therefore, the meeting will be held on Tuesday, February 21<sup>st</sup>. That day is also mandated by State Law to be Grievance Night for anyone wishing to grieve their taxes. The taxpayer is required to complete an application to be presented to the Grievance Review Board, which consist of the Village Board, who is mandated to sit and hear grievances for 4 hours.

Mayor Kohut entertained a motion to schedule Grievance Night for Tuesday, February 21<sup>st</sup>, 2012 from 5:00 PM to 9:00 PM at the Village Hall.

**RESOLUTION #24-2012**

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

Mayor Kohut then entertained a motion to move the Regular Meeting from Monday, February 20<sup>th</sup> to Tuesday, February 21<sup>st</sup> starting at 8:00 PM.

**RESOLUTION #25-2012**

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

**Mayor Kohut:  
REPORTS OF STANDING COMMITTEES**

**FIRE & ORDINANCES** – Trustee Rafael Bueno: Trustee Bueno read the following report submitted by Fire Chief Patrick McNamee for 2011:

Responded to a total of 275 alarms for the year.

Breakdown follows:

Building Fires	-	12
Cooking Fires	-	30
Car Fires	-	5
Boat Fires	-	3
Brush Fires	-	5
Dumpster/Rubbish Fires	2	
Total Fires	-	57

Responded to 6 vehicle accidents - 3 required use of the Jaws of Life for victim removal.

Responded to 4 boat rescue calls.

1 removal from a stalled elevator.

Fire companies also responded to the following:

Gas Leaks	-	20	
Carbon Monoxide	-	8	
Power lines down	-	16	along with arching wires and overheated motors
Pump outs	-	44	
Water/Steam Leaks		11	
Assist Police	-	2	
Mutual Aid	-	15	
Rec'd Mutual Aid	-	10	
Good Intent	-	33	
Malicious False Alarms		8	
Malfunction of Alarms		8	
Unintentional Transmission	-	39	
Storm assessment		1	
Lightning Strike	-	1	
Severe weather standby		1	

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 as of January 17<sup>th</sup>, 2012:

- 1) Cut down tree in front of Village Hall.
- 2) Installed signs throughout the Village.
- 3) Removed all Christmas lights throughout the Village.
- 4) Completed a sewer job at Broadway and Grant Street.
- 5) King and Son completed the sewer line on Fairmount Avenue.
- 6) Picked up yard goods, construction debris and white goods.
- 7) Fred Cook cleaned out 20 sewer lines throughout the Village.
- 8) The crew was out the previous night for two callouts due to storm.

**YOUTH & FAMILY SERVICES - Trustee Emily Dominguez:** Trustee Dominguez gave the following report for the period of December 31<sup>st</sup> to January 13<sup>th</sup>:

Counseling Services – The staff held counseling sessions for 37 individuals and their family members. There were also 2 people assessed for possible admission to the program.

DMI PROGRAM - The next meeting will be held on Tuesday, January 24<sup>th</sup> at 6:00 PM at the Center.

Trustee Dominguez had nothing further to report.

**BUILDINGS & CODE ENFORCEMENT - Trustee Francisco Batista:**

Trustee Batista read the following report submitted by Building Inspector, Ruben Berrios for the period of January 2<sup>nd</sup> through January 13<sup>th</sup>, 2012:

Municipal searches	-	1
Miscellaneous inspections	-	104
Construction inspections	-	2
Complaints	-	10
Violations & tickets	-	27
Permits	-	2

Trustee Batista announced that overnight parking is still being enforced by the Village Parking Enforcers and the Town Police.

December Parking Tickets Issued - 701

Trustee Batista had nothing further to report.

Mayor Kohut:

**OLD BUSINESS**

None.

Mayor Kohut:

**NEW BUSINESS**

Mayor Kohut: The Mayor announced the presentation for the public of the Streetscape plan is tentatively scheduled for February 13<sup>th</sup>.

Mayor Kohut:

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

Noel Rappaport: Mr. Rappaport inquired if the Village received approval from the DOT for the Streetscape Project.

Mayor Kohut: The Mayor responded that the Board is still awaiting approval from DOT, however, since so many people have inquired about the plans, this Streetscape presentation has been scheduled so the public can get a look at the plans.

Noel Rappaport: Mr. Rappaport inquired if the Board has any specific plans for the Damiani and Chair Factory sites.

Mayor Kohut: The Mayor responded that they have been meeting with a restaurateur for the Chair Factory site and are considering using the Damiani site for expansion of parkland for Emeline and access to the Chair Factory site.

Noel Rappaport: Mr. Rappaport mentioned that there is still a problem with the manhole in front of his store whenever a large vehicle rides over it. He has also noticed a significant increase in the number of large trucks on New Main Street, specifically MCM. He thought there was a ban on large vehicles driving through the downtown area.

Trustee Dominguez mentioned that she also feels the effect in her office whenever a large vehicle passes over the manhole.

Mayor Kohut: The Mayor stated that there is a limit on thru-trucking in the Village, however, MCM is a business within the Village, but he will speak with MCM about not driving through the downtown area. He then informed Mr. Rappaport that the surrounding municipalities have been put on notice that the new roadway has been completed and their large vehicles need to start using that route or they will be ticketed. He has also spoken with Police Chief Miller to start enforcing the "no thru trucking" law in the Village. He will also have the DPW look into the manhole to see if there is a problem in that area.

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 #26-2012

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

Respectfully submitted by,

Beverly A. Swift  
Senior Steno Clerk  
January 30<sup>th</sup>, 2012