

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, December 1<sup>st</sup>, 2014, 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 reported to the Board that the platform at the foot of Main Street is rotting out. Since it is the first thing anyone sees when approaching Emeline Park, he feels something should be done to fix the problem and perhaps add benches and some holiday decorations as well.

Mel Post, 1422 Round Point Drive: Mr. Post complimented Trustee Watson on the great job the DPW did with decorating the Village for the holidays. He then reported speaking with Supervisor Phillips who told him something good is happening with the Tilcon problem, which Mayor Kohut would bring up at the this Board Meeting.

Mayor Kohut: The Mayor informed everyone that he spoke with Mr. Cooney last week and Mr. Cooney indicated that he was immediately going to address the issues discussed and by the end of the year he would have a plan sent to the Mayor showing the creation of a berm, south of Harbors and north of Tilcon, that will be grassed and treed to mask the operations of the plant, as well as reducing the height of the pile permanently by 40 or 50 feet, grassing and treeing that as well. All the ancillary piles that have been created throughout their property are a special blend that they have been stockpiling for a client, which will be gone between now and April.

Mel Post: Mr. Post inquired when this will all take place.

Mayor Kohut: The Mayor responded it will be done next year, with a full plan expected to be to the Mayor by the end of this year.

Mel Post: Mr. Post showed the Board a picture that he took from his own window that morning. He resides on the 4<sup>th</sup> floor of the building looking toward Parkside, which is a 5 story building that the pile towers over, making it approximately 7 stories high and it just keeps getting higher.

Mayor Kohut: The Mayor reiterated that Mr. Cooney expects to have a plan to him by the end of this year and all the remediation will be done during 2015.

Mel Post: Mr. Post then mentioned that an article in the paper put the bonding issue at \$9M instead of the \$6.5M that has been discussed at the Board meetings. He requested information on what is included and if they were correct with the amount.

Mayor Kohut: The Mayor explained that the property was originally valued at the time of taking at \$3.4M. By law the cost of an environmental clean-up of a property can be deducted, which amounted to \$600,000.00. The Village

prepaid, with Ginsburg's money, \$2.6M to AAA Electric. The Mayor further explained that the judgment was for approximately \$6.7M, therefore \$2.6M would be deducted from the \$6.7M, however, when at trial a value is set, interest also has to be added to the amount due from the date of the taking in 2003, at a statutory rate of 9%. With all of this accounted for, what should have been a \$4M judgment, jumps back up to a \$6.4M judgment.

Mel Post: Mr. Post then requested an update on the Chair Factory property.

Mayor Kohut: The Mayor explained that the Board made a motion to dismiss their claim for additional money because there was a 5 year lapse in time and the Board never received an official Notice of Claim from the other party. The Village is now in the process of appealing the decision that it lost because based upon case law, they had no valid excuse for not placing a claim. If the Village loses the appeal then it would go to trial.

Mel Post: Mr. Post then inquired if there has been anything new regarding negotiations with Mr. Ginsburg.

Mayor Kohut: The Mayor reported there was no change in negotiations with Mr. Ginsburg and the Village is now preparing for the next steps to resolve this issue. The Village attorney's are reviewing all documentation and preparing a case with the hope that it never goes to trial and both parties can come together for further negotiations.

Mel Post: Mr. Post then inquired about another piece of property he believed to be a nursery.

Mayor Kohut: The Mayor responded that the Village attorneys are preparing "Post Trial Memorandums of Law" for the Ferguson Landscaping property.

Mel Post: Mr. Post inquired what Ferguson Landscaping is looking for from the Village.

Mayor Kohut: The Mayor did not remember official amounts, however, the Village did pay them \$560,000.00 for the property.

Mel Post: Mr. Post inquired if the Village has established an approximation of what this judgment would cost the taxpayers.

Mayor Kohut: The Mayor responded that they have not yet approximated the cost to the taxpayers because the Village is going to start with a BAN for the amount due, meaning the Village would pay interest only for up to 2 years in the hopes that during that interim the issues would be resolved with Mr. Ginsburg.

Noel Rappaport: Mr. Rappaport inquired if the Village is going to cover the parking meters and not charge for parking as in previous years.

Mayor Kohut: The Mayor responded that the Board will be making a motion at this meeting to set the dates for free parking.

Noel Rappaport: Mr. Rappaport inquired if Mr. Ginsburg ever gave the Village any money towards the ball field.

Mayor Kohut: The Mayor responded Mr. Ginsburg gave the Village \$400,000.00 towards the ball field.

Larry Levine, 1414 Round Pointe Drive: Mr. Levine inquired if the agreement with Tilcon will be received by the Village the end of this year, 2014.

Mayor Kohut: The Mayor reiterated that Tilcon will have a plan to the Village by the end of 2014.

Larry Levine: Mr. Levine inquired if there is any legal way to set a time-line for the promises that Tilcon is making. Since this is now becoming a health issue, he was wondering if there is anything the Village can do to make this happen sooner.

Mayor Kohut: The Mayor responded that Mr. Cooney has assured him that everything will be taken care of in 2015. The Mayor does not believe that there is anything legally that can be done to hold Tilcon to their promises because they are not doing this out of a legal obligation, but to promote good will. Tilcon is not under court order or DEC order to make any corrections to their property. Mr. Cooney will also be presenting a copy of their plan to the DEC as well as the Village.

Mel Post: Mr. Post reminded the Board of the gouges on the new overpass that need attention before the winter weather sets in.

Terence Watson, Jr.: Trustee Watson will look into the matter to see what needs to be done.

Mayor Kohut:

## **REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY, Jay Hood, Jr.:** Counselor Hood had nothing to report.

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

**MAYOR'S REPORT, Mayor Kohut:** In reference to the Chair Factory Appeal, the Mayor reported that the Village needs to retain the services of Beckman Appraisers Inc. in the sum of \$15,000.00 to prepare a trial appraisal, which is a necessary step for the appeal. They are requiring half of this amount to be paid up front.

Mayor Kohut entertained a motion to retain appraisal services as stated above.

### **RESOLUTION #280-2014**

Motion by: Emily Dominguez

Seconded by: Rafael Bueno

Motion Carries: All

The Mayor reported that the 2<sup>nd</sup> meeting dates in January and February need to be changed due to Federal holidays. The meeting scheduled for January 19<sup>th</sup> is Martin Luther King Day, therefore, the January meeting will be held on January 20<sup>th</sup>.

Mayor Kohut entertained a motion to reschedule the January meeting as stated above.

RESOLUTION #281-2014

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

The Mayor then requested approval to move the 2<sup>nd</sup> meeting in February from February 16<sup>th</sup> to February 17<sup>th</sup> due to the Presidents Day Federal holiday. He also mentioned that February 17<sup>th</sup> will also be Grievance Night for anyone wishing to grieve their taxes, which will start at 5:00 PM and continue through 9:00 PM. The regular meeting will be at 8:00 PM as usual.

Mayor entertained a motion to move the 2<sup>nd</sup> meeting of February to February 17<sup>th</sup> as stated above.

RESOLUTION #282-2014

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

As has been done in the past, the Mayor requested approval from the Board to extend free parking in the Village downtown in recognition of the holidays. The free parking will run from December 15<sup>th</sup> through and including January 4<sup>th</sup>. All other parking regulations will still be in effect.

Mayor Kohut entertained a motion to allow free parking through the designated period for the holidays, as stated above.

RESOLUTION #283-2014

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

The Mayor mentioned that "Holidays in Haverstraw" will be held on Saturday December 6<sup>th</sup>. It includes restaurant specials, holiday concert at Central Presbyterian Church at 2:00 PM, the Holiday Tree Lighting at 4:30 PM followed by Supper with Santa at the Community Center.

The Mayor then presented the Reorganization of the Village as follows:

Designating Depositories

WHEREAS the Board of Trustees has determined that Village Law 4-412(3)(2) requires the designation of banks and trust companies for the deposit of village monies:

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Haverstraw is designating banks and trust companies located within the Town of Haverstraw to be used as depositories of all monies received by the Village Treasurer/Clerk and Receiver of Taxes and that this resolution is effective immediately.

Mayor Kohut entertained a motion to approve designating depositories as stated above.

RESOLUTION #284-2014

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

Adopting Procurement Policy

NOW THEREFORE BE IT RESOLVED that the Board of Trustees in adopting the Procurement Policy as described in §54 requiring competitive bidding, with an award to the lowest bidder, after public advertisement in the official newspaper of the municipality, for purchases in excess of \$20,000.00 and contracts for services in excess of \$35,000.00. That the Board of Trustees is designating the following municipal officers as the persons responsible for purchasing decisions:

Village Mayor  
Village Trustees  
Village Treasurer  
Village Deputy Treasurer

And that this resolution is effective immediately.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #285-2014

Motion by: Emily Dominguez  
Seconded by: Terence Watson, Jr.  
Motion Carries: All

Advance Approval of Claims

WHEREAS the Board of Trustees of the Village of Haverstraw has determined to authorize payment in advance of Audit of Claims for public utility services, insurance premiums, postage, freight and express charges and preapproved contracted services; and

WHEREAS all such claims must be presented at the next regular meeting for audit; and

WHEREAS the claimant and the officer incurring and approving the claim are jointly and severally liable for any amount the Board disallows.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees authorizes payment in advance of audit claims for public utility services, insurance premiums, postage, freight/express charges and preapproved contracted services. All such claims must be presented at the next regular board meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount that the Board of Trustees disallows. This resolution is effective immediately.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #286-2014

Motion by: Terence Watson, Jr.  
Seconded by: Emily Dominguez  
Motion Carries: All

Mileage Allowance

WHEREAS the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use

their personal vehicle while performing their official duties on behalf of the Village;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees shall approve reimbursement to such officers and employees at the rate of \$.55 per mile. This resolution shall take effect immediately.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #287-2014

Motion by: Emily Dominguez  
Seconded by: Terence Watson, Jr.  
Motion Carries: All

Attendance at Schools and Conferences

WHEREAS schools and conferences will be held during the coming official year and attendance by municipal officials and employees at one or more of these schools or conferences benefits the municipality;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees must approve the attendance at such school or conference prior to attendance and that this resolution is effective immediately.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #288-2014

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

Designation of Official Newspaper

The Rockland County Times, having general circulation within the Village, is designated as the official newspaper.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #289-2014

Motion by: Emily Dominguez  
Seconded by: Terence Watson, Jr.  
Motion Carries: All

Authorization for Petty Cash

Youth & Family Services	@ \$300.00
Justice Court	@ \$ 75.00
Clerk's Office	@ \$150.00

Mayor Kohut entertained a motion to that effect.

RESOLUTION #290-2014

Motion by: Emily Dominguez  
Seconded by: Terence Watson, Jr.  
Motion Carries: All

Appointment of Village Officials and Terms of Office

Village Attorney	J. Nelson Hood Jr.	Annually
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Mayor Kohut entertained a motion to that effect.

RESOLUTION #291-2014

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

Assistant Village Attorney - Dennis Michaels - Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #292-2014

Motion by: Emily Dominguez  
Seconded by: Terence Watson, Jr.  
Motion Carries: All

Village Assessor                      Edey McCarthy                      Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #293-2014

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

Village Engineer                      Brooker Engineering                      Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #294-2014

Motion by: Emily Dominguez  
Seconded by: Terence Watson, Jr.  
Motion Carries: All

Village Historian                      Stephen Cobb                      Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #295-2014

Motion by: Emily Dominguez  
Seconded by: Terence Watson, Jr.  
Motion Carries: All

Acting Village Justice                      Luis A. Torres                      Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #296-2014

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

Clerk to Justice Court                      Jessica Oms                      Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #297-2014

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

Associate Justice Clerk                      Toni Jones                      Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #298-2014

Motion by: Terence Watson, Jr.  
Seconded by: Emily Dominguez  
Motion Carries: All

Dir Disaster Prep. Chief 4-1 Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #299-2014

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

Dept. Dir. Disaster Assistant Chief – 4-2 Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #300-2014

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

Registrar Vital Statistics Judith Curcio Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #301-2014

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

Deputy Registrar Isabel Gonzalez-Soto Annually  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #302-2014

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

PLANNING BOARD

5 Year Terms Diogenes Dominguez 12/1/09-1130/14  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #303-2014

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

Planning Bd. Chair Thomas L. Watson, Sr. 11/30/14 (Annually)  
Mayor Kohut entertained a motion to that effect.

RESOLUTION #304-2014

Motion by: Emily Dominguez  
Seconded by: Rafael Bueno  
Motion Carries: Watson abstains

ZONING BOARD

5 Year Terms

Joel Santana

12/1/09-11/30/14

Mayor Kohut entertained a motion to that effect.

RESOLUTION #305-2014

Motion by: Francisco Batista

Seconded by: Emily Dominguez

Motion Carries: All

Zoning Board Chair

Edwin Rivera

11/30/14 (Annually)

Mayor Kohut entertained a motion to that effect.

RESOLUTION #306-2014

Motion by: Terence Watson, Jr.

Seconded by: Emily Dominguez

Motion Carries: All

Architectural Review Board

Joe Silverio

12/1/11-11/30/14

Mayor Kohut entertained a motion to that effect.

RESOLUTION #307-2014

Motion by: Rafael Bueno

Seconded by: Francisco Batista

Motion Carries: All

Gil Carlevaro (in '09)

12/1/11-11/30/14

Mayor Kohut entertained a motion to that effect.

RESOLUTION #308-2014

Motion by: Emily Dominguez

Seconded by: Francisco Batista

Motion Carries: All

Arch. Review Chair

Jean Gitlin

11/30/14 Annually

Mayor Kohut entertained a motion to that effect.

RESOLUTION #309-2014

Motion by: Emily Dominguez

Seconded by: Rafael Bueno

Motion Carries: All

Fire Commissioner..... Rafael Bueno

Public Works Commissioner..... Thomas L. Watson, Jr.

Youth & Family Services Commissioner... Francisco Batista

Building & Code Enforcement..... Emily Dominguez

The Mayor then read a letter from the Quisqueya Sports Club requesting that the Dominican flay be raised to celebrate the Dominican Republic Independence Day on February 28<sup>th</sup>, 2015 between the hours of 4:00 and 5:00 PM.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #310-2014

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion Carries: All

The Mayor had nothing further to report.

**Mayor Kohut:**

**REPORTS OF STANDING COMMITTEES**

**FIRE & ORDINANCES** – Trustee Rafael Bueno: Trustee Bueno read the following report for the month of November, 2014, submitted by Fire Chief Al Lynch:

Total Alarms	-	22
General Alarms	-	17
Special Calls	-	3
Mutual Aid Calls	-	2
Structure Fires	-	1
Cooking Fires	-	1
Trash/Rubbish Fires	-	1
CO Alarms	-	4
Hazardous Spill	-	1
Wires down	-	1
Elevator Rescue	-	1
Good Intent/Misc.	-	8
False Alarms	-	2

Total Manpower Responding - 503 members

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 December 1<sup>st</sup>, 2014:

- 1) Completed installation of all holiday decorations and banners.
- 2) DPW prepared for and cleared all the snow.
- 3) Picked up all fall leaf bags throughout the Village.
- 4) George White, Jr. attended a Storm Water Management class.

Trustee Watson had nothing further to report.

**YOUTH & FAMILY SERVICES - Trustee Francisco Batista:**

Trustee Batista gave the following report of activities at the Community Center for the period of November 14 thru November 26<sup>th</sup>, 2014:

- 1) The Annual Thanksgiving Luncheon was held on November 26<sup>th</sup> and despite the inclement weather a total of 60 people attended. A complete turkey dinner was served.
- 2) The next Haverstraw Collaborative Meeting and Spanish Speaking Parents Group is scheduled for December 3<sup>rd</sup> from 12:00 to 2:00 PM.

3) The annual Holiday Party is scheduled for December 15<sup>th</sup> at the Haverstraw Center starting at 4:00 PM.

Trustee Batista had nothing further to report.

**BUILDINGS & CODE ENFORCEMENT - Trustee Emily Dominguez:** Trustee Dominguez read the following report submitted by the Building Inspector, Ruben Berrios, for the period of November 17<sup>th</sup> thru November 28<sup>th</sup>, 2014 2014:

Miscellaneous Inspections	-	16
Construction inspections	-	12
Complaints	-	5
Permits/C.O.'s	-	6

Trustee Dominguez had nothing further to report.

**MINUTES:** The Mayor presented the minutes of the Regular Meetings of October 6<sup>th</sup>, October 20<sup>th</sup> and November 3<sup>rd</sup>, 2014 for approval by the Board.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #311-2014

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

Mayor Kohut:

**OLD BUSINESS**

None.

Mayor Kohut:

**NEW BUSINESS**

Mayor Kohut:

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

Emily Dominguez: Trustee Dominguez thanked the Mayor for all his help on Thanksgiving Day.

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 #312-2014

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

Respectfully submitted by, Beverly A. Swift, Senior Steno Clerk