

The minutes of the Regular Meeting of the Board of Trustees of the Village of Haverstraw on Monday, January 3rd, 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.

Noel Rappaport, 31 New Main Street: Mr. Rappaport congratulated the village, in particular the DPW, on doing such a great job with snow removal throughout the village.

Sherry Copeland, 58 Main Street: Ms. Copeland stated that she appreciated having the transcripts of the meetings on the website, however, she would like to see the transcripts done verbatim, as opposed to the way it is currently being transcribed.

Mayor Kohut: The Mayor explained that it is a lot more time consuming to do verbatim transcripts and it is actually suggested and encouraged that minutes be a synopsis of what goes on at a meeting and not word for word transcription. He also mentioned that even with Public Hearings, the only thing required by the State of New York is a synopsis of the meeting. The village transcripts actually go above and beyond what is recommended by the State. He did mention, however, that at large Public Hearings that could lead to litigation or challenges, the village does bring in a court stenographer that transcribes minutes verbatim.

Sherry Copeland: Ms. Copeland feels that sometimes it does make a difference having word for word minutes, giving an example of a letter she knew of that was not read verbatim and was taken the wrong way.

Mayor Kohut: The Mayor opened the first Public Hearing regarding the Community Development Block Grant, explaining it is a federal grant program where blocks of money are distributed for work on community oriented projects or programs. The grant is administered through the Rockland County Office of Community Development headed by Joseph Abate. He mentioned that last year, Mr. Abate received approximately \$2.5 million, which was parceled down, after expenses to operate his office, to municipalities and not-for-profit agencies. He stated that the purpose of this Public Hearing was for people to voice their opinions about the program in general and not the specifics. He did, however, give examples of some projects most recently worked on in the village with Community Development funds, including repairs and replacement of sidewalks, roadwork and the façade program. The Mayor opened the floor to anyone wanting to comment on the Community Development Block Grant Program.

Noel Rappaport: Mr. Rappaport inquired about the amount of money the village received.

Mayor Kohut: The Mayor stated that between the village and the non-profit entities within the village, approximately \$150,000.00 per year is received. He

mentioned that last year the village received approximately \$110,000.00 for sidewalk repairs, the Arts Alliance received \$18,000.00 and the village received another \$25,000.00 for a Job Creation Program.

Noel Rappaport: Mr. Rappaport asked if the board had come to any decision as to who would be receiving the grant money for 2011.

Mayor Kohut: The Mayor explained that the village has until the end of January to submit their requests. The board is continuing to review all applications being submitted for the program funding and will submit the approved applications to the Rockland County Community Development Review Board by the end of the month. With no further comments from the floor, Mayor Kohut entertained a motion to close the Public Hearing.

RESOLUTION #1-2011

Motion by: Emily Dominguez

Seconded by: Terrence Watson

Motion carries: All

Mayor Kohut: The Mayor mentioned that there was a continuation of the Public Hearing scheduled for this Special Permit application to properly show the building located at 52 Broadway as a 4 family dwelling. The owner was unable to get the necessary notices out on time, therefore the proposal has to be re-noticed and a subsequent Public Hearing has been rescheduled for Tuesday, January 18th, 2011 at 8:05 PM.

Jay Hood, Jr., Esq., Village Attorney: Counselor Hood has spoken with the building owner and explained to him that the village requires an easement showing exact locations of parking spaces for the building, which would become a part of the Deed for this property.

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr., Esq.: Counselor Hood discussed the following laws that require action by the board:

- 1) Cell Phone Law – He stated that the village is currently receiving several applications for cell phone tower and antenna installations. With prep work still to be done, he suggested the board schedule a Public Hearing for some time next month. Trustee Dominguez inquired if the applications would come under the new Cell Phone Law. Judith Curcio, Village Clerk, informed everyone that the applications have already been officially filed. The Public Hearing was then scheduled for 8:05 PM on February 7th.

Mayor Kohut entertained a motion to schedule a Public Hearing on the Telecommunication Facilities Law for Monday, February 7th at 8:05 PM.

RESOLUTION #2-2011

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion Carries: All

Counselor Hood mentioned that there were other laws, which were not as urgent and could be scheduled for a later time, including a small amendment

to the dog law involving tethering and fencing, outdoor dining, and to decrease the zoning penalty jail time to 15 days, so judge trials would be allowed instead of jury trials.

Mayor Kohut entertained a motion to schedule Public Hearings for Tuesday, February 15th for the following local laws:

- 1) Uniformed Fire Prevention and Building Construction Code
- 2) Dogs At Large
- 3) Outdoor Dining and Sidewalk Café's

RESOLUTION #3-2011

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

Counselor Hood then mentioned another law regarding the height of fences on property lines, which he discussed with the Building Inspector and will look into further. Also needing review by the board are the Taxi Rules and Regulations Law.

Counselor Hood then spoke about a letter he sent to all attorney's involved with the GDC Tax Cert's, explaining that there are numerous properties involved and both he and Edye McCarthy have been reviewing them to work out the best possible solution for everyone involved.

Counselor Hood mentioned a couple of lawsuit actions he is working on, including the transfer of the 41 Clinton Street property and the lawsuit against Joe Klein for façade money, which was ready to be signed.

Mayor Kohut entertained a motion to authorize the Village Attorney to bring suit against Bethune Realty, Inc. and also Joe Klein, as an individual, for funds owed for the façade program.

RESOLUTION #4-2011

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

Counselor Hood then stated he has gone through the rental laws passed in 2010 and after reviewing some of the cases, and through his research, he believes the rental laws are constitutional, except that the village cannot force their way into a house to inspect. He explained that there needs to be probable cause for an inspection and a warrant must be issued.

Also for the board's information, Counselor Hood mentioned his memo to the Planning Board regarding Guy Plassart's application for his apartment on Route 9W, stating that the first time he applied the application was denied. Mr. Plassart has reapplied and a decision will probably be forthcoming at the next meeting of the Planning Board because they had to look into some of the finer legal points involved in making their decision, especially the points regarding hardship, which has to be proven.

Counselor Hood then mentioned his memo to the board regarding village fees, suggesting the board consider increasing several fees, because most of the current fees are very low compared to other municipalities and warrant an increase. He gave an example of road opening fees for which the village charges \$25.00 whereas the Village of West Haverstraw charges \$175.00. He

did learn, however, that the village cannot charge Orange & Rockland or other utilities per square foot for road openings; the village can only charge for the administration process of preparing a permit. He believes the bill that was sent will have to be rescinded. He is going to speak to O & R's attorney regarding the way they paved the roads when their job was completed, which the board believes was not up to par.

Mayor Kohut: The Mayor requested he also look into whether the village can charge them for Performance Bonds. Counselor Hood believes the answer is "no", but he will also look into that matter.

Counselor Hood presented the board with a draft copy of the LDC Articles of Incorporation and By-laws, which is ready for review. He had nothing further to report.

VILLAGE TREASURER, Judith Curcio: Ms. Curcio gave the following financial report for August, September, October and November, 2010:

Total Disbursements	\$2,376,000.00
Total Revenue	\$1,136,000.00

She had nothing further to report.

MAYOR'S REPORT, Mayor Kohut: The Mayor announced that the next Regular Meeting of the Board would fall on January 17th, however, since that is Martin Luther King day, which is a federal and state holiday, the Village Hall will be closed, therefore, the meeting will take place on Tuesday, January 18th.

Mayor Kohut entertained a motion to move the Regular Meeting of the Board of Trustees to Tuesday, January 18th at 8:00 PM.

RESOLUTION #5-2011

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

The Mayor then announced that the second meeting in February falls on President's Day, which is also a federal and state holiday and Village Hall will be closed. He also mentioned that the village is required by state law to hold Grievance Night for taxes at the second meeting in February, allowing people to grieve, in person, their tax situation to the Tax Grievance Review Board, which consist of the Village Board. Therefore, the Village Board Meeting and Grievance Night are both being scheduled for Tuesday, February 15th, with grievance from 5:00 PM to 9:00 PM and the Village Board Meeting to begin at 8:00 PM.

Mayor Kohut entertained a motion to schedule Grievance Night from 5:00 to 9:00 PM and the Regular Meeting of the Board at 8:00 PM; both to be held on Tuesday, February 15th.

RESOLUTION #6-2011

Motion by: Emily Dominguez
Seconded by: Terrence Watson
Motion carries: All

The Mayor received a letter from the New York Foundling-Abandon No-one Organization informing the board that they are changing the use of their group

home located at 15 Simenovsky Drive, in the village. The NY Foundling was licensed and certified by the Office of Children and Family Services and has operated a group home for abused and neglected children at this location for over 30 years. This facility is no longer certified to service children, therefore, the NY Foundling is planning to convert the home to a 6 bed individual residential alternative for adult males, under the auspices of the New York State Office of People with Developmental Disabilities. They will be doing minor renovations for certification, which will be accomplished in January, 2011. The Mayor was informed that the men will go to work on a daily basis, however, everything will be explained in detail at a Public Hearing.

Mayor Kohut entertained a motion to schedule a Public Hearing for a Group Home on Tuesday, January 18th.

RESOLUTION #7-2011

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

The Mayor mentioned that there has been a vacancy in the court for an additional Court Attendant. Some board members have met with applicant, Michael Lupo, a Rockland County Corrections Officer and have found that Mr. Lupo meets the qualifications for Court Attendant.

Mayor Kohut entertained a motion to hire Michael Lupo as Court Attendant.

RESOLUTION #8-2011

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

The Mayor announced that the Village Accountant, Joseph Modafferi, has retired from state service, however, the village would like to hire him back subsequent to that, in the position of Accountant II. The Mayor explained that this is not a part of the Retirement Incentive Program, but that he was eligible for regular retirement and retired.

Mayor Kohut entertained a motion to rehire Joseph Modafferi at the budgeted salary.

RESOLUTION #9-2011

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

The Mayor received a request from the Village Accountant to make the following adjustments to the budgeted lines:

Decrease Expense Acct. A1990.41	Contingent Overtime	\$88,312.34
Increase Expense Acct. A1110.11	Personal Justice Court	6,066.09
Increase Expense Acct. A3620.1	Personal Bldg. Dept.	3,521.93
Increase Expense Acct. A5110.1	Personal DPW	30,375.31
Increase Expense Acct. A9961.9	Transfer Reach Out	19,678.16
Increase Expense Acct. 7140.1	Personal Recreation	9,127.79
Increase Expense Acct. A5010.1	Personal DPW Adm.	7,500.55
Increase Expense Acct. A1325.1	Personal Treasurer	392.99
Increase Expense Acct. A5010.1	Personal DPW Adm.	
	Retirement	11,649.52

Mayor Kohut entertained a motion to make the recommended adjustments to the budget lines.

RESOLUTION #10-2011

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

The Mayor had nothing further to report.

Mayor Kohut

REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – Trustee Rafael Bueno: Trustee Bueno had nothing to report.

PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson: Trustee Watson read the report of January 3rd, submitted by DPW Superintendent George White, Jr. as follows:

- 1) Finsihed the drainage at Hudson and Clove Avenues
- 2) December 26th, started clean up of streets due to the snow storm.
- 3) December 27th through December 29th continued the snow storm cleanup throughout the village.

Trustee Watson congratulated the DPW on a job well done. He 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 December 20th through December 31st:

Rental property inspections	-	10
Municipal searches	-	3
Miscellaneous inspections	-	62
Construction inspections	-	3
Complaints	-	7
Violations & tickets	-	0
Permits	-	3

Trustee Batista had nothing further to report.

Mayor Kohut:

OLD BUSINESS

None.

Mayor Kohut:

NEW BUSINESS

None.

Mayor Kohut:

2nd PUBLIC PARTICIPATION

Noel Rappaport: Mr. Rappaport informed the board that there was a taxi parked directly across the street from his store all day on Monday and Tuesday. He also reported seeing two taxi's sitting in the Union Restaurant parking lot on Sunday. He inquired if they were allowed to park like that.

Mayor Kohut: The Mayor responded that they are not allowed to park on the street; they can only park at their taxi stands. He then mentioned that the village has an arrangement with Key Bank where parking would be allowed from 7:00 PM to 6:00 AM. The Mayor mentioned that the board will be revamping the taxi law delving out strict requirements and regulations.

Francisco Batista: Trustee Batista thanked Mr. Rappaport for his information because one of the things the taxi company's have been promising is that they are going to make a difference in the taxi service in our community. He has seen taxi's sitting in the Union parking lot on Saturday's, stating this is something that the board will have to address.

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

RESOLUTION #11-2011

Motion by: Emily Dominguez

Seconded by: Francisco Batista

Motion Carries: All

Respectfully submitted by,

Beverly A. Swift
Senior Steno Clerk
January 19, 2011