

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, December 19th, 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.

Mel Post, 1422 Round Pointe Drive: Mr. Post spoke about an article published in the Journal News with regard to the AAA Electric Property and the Village. He inquired if the article was correct in stating that the Village would have to pay a judgment of \$3.9 million, or is the Village going to look towards Ginsberg to pay the judgment, or if any other arrangements have been made.

Mayor Kohut: The Mayor explained that there was a judgment against the Village because it was the condemnor of the property, which required it to make the condemned site whole, to the extent that the court set, however, there are many questions regarding the judgment and the possibility of appealing the decision. The Village has a contractual obligation with the developer for any monies owed on the property. If the Village is held responsible for the judgment, the Village would then turn to Ginsberg.

Mel Post: Mr. Post then asked what the Board thinks will happen if the judgment goes against Ginsberg. He inquired if Mr. Ginsberg could go bankrupt or even bankrupt the Harbors.

Mayor Kohut: The Mayor did not know the answer to that question.

Jay Hood, Jr., Esq., Village Attorney: Counselor Hood responded that it is too early in the process to really know all the answers. The whole process would have to be analyzed and there is no final number yet. Any judgment will most likely be appealed.

Mel Post: Mr. Post inquired about the same situation with the Chair Factory.

Mayor Kohut: The Mayor explained that the Village owns that property and when a municipality condemns a property, it gives the condemnee an estimated value of the property's worth, based upon a Village appraisal. It then goes through the court system and once a decision is made, if it is decided by the courts that it is worth more the Village would have to pay the difference. He mentioned that the AAA case goes back to 2003, was tried in 2009 and a decision was just received in 2011. The Village took over the Chair Factory property in 2009. He is hoping it will not take that long, also mentioning that it is a completely different case (timeline, conditions of property, etc.).

Mel Post: Mr. Post then inquired if anything such as a Special Tax District could come out of the proceedings.

Mayor Kohut: The Mayor does not believe that would ever happen.

Noel Rappaport, 31 New Main Street: Mr. Rappaport inquired if there is anything new happening with the Streetscape.

Mayor Kohut: The Mayor responded that the Village is still waiting for decisions from the DOT, mentioning the DOT representative promised the Mayor they would have something for the Village before the end of the calendar year. At this point, the Village is still hoping to put this project out to bid before the end of the winter.

Noel Rappaport: Mr. Rappaport feels that the Village currently does not present itself in a way that would attract prospective businesses, etc.

Mayor Kohut: The Mayor is hopeful that the Village can get something going for the upcoming construction season.

Mel Post: Mr. Post inquired if there was some kind of diagram or plan for the Streetscape. He also inquired if there would be benches going up and down the streets.

Mayor Kohut: The Mayor responded that the Board hopes to have something to present at a Public Information Meeting sometime in January. He also mentioned that there would be benches located at specific areas throughout the downtown.

Mel Post: Mr. Post feels that benches would not be a good idea in the downtown because it will make it easier for people to congregate in these areas. He feels this is not the right time for benches to be placed in the downtown area. If the Village is successful with the Streetscape, perhaps in another five or ten years benches could be installed.

Mayor Kohut: The Mayor again mentioned that there will be a Public Information Meeting on the matter some time in January.

Theodore Best, Mountain Court: He is concerned that the Mountain Court area does not get the usual maintenance services provided to the rest of the Village because it is a private area. They created a non-profit organization to address some of these types of issues. Now that everything is more expensive it is more difficult for them to ask people to put monies into a fund. The residents of Mountain Court are currently trying to get a Green Initiative Plan for the area and he was wondering if they could get some kind of help from the Village or Town to put together a grant or proposal to obtain some funding for the area.

Mayor Kohut: The Mayor inquired what type of Green Initiative Plan they are trying to prepare.

Gentleman from Mountain Court: He explained that they have many different animals and snakes in the area, as well as serious water problems causing landslides. He has spoken to several engineers about how they could assist this neighborhood with these problems, especially since they are located in a Mountain Protection Zone. The engineer's thoughts were to

install a micro hydro-electric system for the area. He had a drawing to present.

Mayor Kohut: The Mayor informed Mr. Best that he would be welcome to join the Board at a Workshop in January or February to see if there would be anything that the Board might be able to do to help with the problems on Mountain Court. The Mayor gave him dates for the workshops and told him to call the Village Hall to schedule a date and time, whenever he is ready to present his plans.

Jay Hood, Jr., Esq.: Counselor Hood recommended that as a first step he should prepare a full proposal to present to the Board. The proposal should include the exact needs, where the funding would come from, contractor plans, etc.

The Mayor then opened the first Public Hearing with regard to the "SITING OF TELECOMMUNICATIONS FACILITIES LAW". He invited the Village Planner, Max Stach of the Turner Miller Group to present the revisions.

Max Stach: Mr. Stach mentioned that he came before the Board in October to go over the changes made to the law in response to the Rockland County Planning comments. Also in attendance at that hearing was a representative from the New York State Wireless Association (NYSWA) who requested that the Public Hearing be continued in order for them to have an opportunity to comment on the law. Based on the comments Mr. Stach received from NYSWA on November 21st, he discussed some of the changes he made as follows:

- 1) A few additional changes were made to the law beyond those required in response to NYSWA's comments as follows:
 - a) In several places the code was revised to clarify that requirements for bonding, compliance with FCC and FAA standards, periodic inspections and others appropriately applied to both the ALPs and the Special Use Permits (SUP).
 - b) Provisions for the maintenance of a security for removal of abandoned Wireless Telecommunications Facilities (WTFs) was moved from the section regarding applications for ALPs to the section regarding ongoing requirements of permit holders (previously – extent and parameters of SUPs).
 - c) All references to the word "collocation" have been changed to "colocation".
 - d) It was clarified that WTFs permitted by the ALP did not require site plan approval and that site plan approval for SUPs WTFs should be concurrent with the SUP approval.

The following are responses to the Association's comments:

- 1) A general waiver provision has been added, whereby, upon the written request of an applicant, the Planning board may waive or reduce any requirement for good cause shown if all required conditions have been met.

- 2) Co-location Applicant Survey Requirement – A current topographic survey will provide information necessary to provide the Building Inspector with an accurate description of existing site conditions relevant to the WTF to which the application proposes to collocate.
- 3) Evidence of Need – The law has been revised to remove the requirement that the “Statement of Need” be within the report signed and sealed by an engineer or architect. However, a “Statement of Need” is basic to a Special Use Permit and should still be required as part of the general written statement.
- 4) Alternative Sites – The applicant shall present an evaluation of at least three alternative colocation sites, unless the Planning Board determines that only one or two colocation alternatives are reasonably practical.
- 5) Long Form Environmental Assessment Form (EAF) – The short form EAF only provides basic data regarding the site location (name and address). Providing the information required on the Long Form EAF as part of the initial submission should speed the processing of applications, since it is anticipated that for most applications, the lead agency would require a full EAF after reviewing the short EAF in any case. The applicant could always ask for a waiver under the new proposed general submission waiver that has been added.
- 6) Fees – He has reviewed the fee requirements of other Rockland County communities and found the fee for the Town of Haverstraw is \$350.00, the fee for Clarkstown is \$500.00 and the fee for Stony Point is \$1,500.00. Given the amount of time and attention that these particular uses take of the Building Department and Planning Board, he believes a fee of \$1,500.00 would be more appropriate for the ALP and \$500.00 for the SUP. Given the typical cost of review by the Village Engineer and the RF Engineer, as well as the Village Planner, the initial deposit of \$7,500.00 he feels is appropriate. The previous provision for a lower fee for colocation has been eliminated as the costs of the Village Engineer would be borne by the applicant through escrow, therefore, there would be no relief to the Village in the processing of a colocation application.
- 7) RF Emission Testing & Annual NIER Certification – He explained that the fixed term of inspection is intended to verify continuing compliance. Requiring inspections only when changes were made would allow a permittee to avoid inspection simply by not reporting changes. Circumstances may also arise outside of the knowledge of a permittee that could be uncovered by a periodic inspection. The five year period is therefore believed to be a reasonable time period for inspection verifying compliance by the applicant and not overly burdensome on the applicant. To insure the health of the community is safeguarded, the Village should also receive an annual statement from the permittee that the NIER thresholds adopted by the FCC continue to be met.
- 8) Penalties of Offenses – Criminal penalties, such as probation or other punishment including jail time allowed by law, are excessive given

this is a siting ordinance. He suggested removing criminal penalties from the Local Law.

He suggested forwarding to the County a copy of the approved resolution, as well as the comments and changes made to the law.

Mayor Kohut: The Mayor thanked Mr. Stach and opened the floor to the public for questions and comments.

Gil Carlevaro, 43 Leonard Street: Mr. Carlevaro heard that there was a bond that was going to be posted for 125%. He inquired if there is actually a hard number for that bond.

Max Stach: Mr. Stach explained that the Village Engineer would assess the cost for remediation and whatever that cost is, 125% of that would be required.

Mayor Kohut: The Mayor explained also that this would only be for removal of an existing site. He gave a monetary example.

Gil Carlevaro: Mr. Carlevaro then inquired if the tax structure would move and adjust likewise every five years.

Max Stach: Mr. Stach explained that because the costs of material, etc. change so significantly through the years, such as the drastic increase in petroleum, the price would go up, however, there is also the possibility that the costs could go down. If costs have changed, in order to continue the Special Use Permit they would have to post an additional bond.

Gil Carlevaro: Mr. Carlevaro inquired who would be in charge of seeing that re-evaluations are done every five years.

Max Stach: Mr. Stach believes that the Village would retain the services of the RF Engineer to see to it that inspections are done every five years.

Mayor Kohut: With no further comments from the floor, Mayor Kohut entertained a motion to pass the "Siting of the Telecommunications Facilities Law" with all changes as stipulated.

RESOLUTION #268-2011

Motion by: Rafael Bueno

Seconded by: Terence Watson

Motion carries: All

ROLL CALL VOTE

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

Judith Curcio, Village Clerk/Treasurer: Ms. Curcio announced the law passes with a 5 – 0 vote.

Mayor Kohut: The Mayor opened the second Public Hearing relating the fences and property lines. He requested Counselor Hood to present the law.

Jay Hood, Jr., Esq.: Counselor Hood announced that Ruben Berrios, Village Building Inspector, requested a change to Local Law §245-20 (B)(6) concerning where and when a solid fence can be installed on the lot line, which requires a zoning variance. Counselor Hood invited the Building Inspector to explain his reasoning for the change to the law.

Ruben Berrios, Building Inspector: Mr. Berrios explained that the current law was designed for installation of solid fencing, which required a zoning variance and approval of the Zoning Board. This amended law will make it easier to approve the installation of non-solid fences, such as a shadowbox fence, without the necessity of Zoning Board approval, and will avoid a lot of unnecessary paper work. The previous Building Inspector explained to Mr. Berrios that the buildings in the downtown area were so close together that putting up solid fences prevented ventilation on the property. The new law would allow for solid fences or freestanding walls not more than 4½ feet in height along any property line. Any solid fence or wall over such height would be permitted provided it is set back from the lot line a distance equal to 2/3 its height, except in a residential zone where all structures on the adjoining lots are at least 2/3 the height of the proposed fence from the lot lines.

Mayor Kohut: The Mayor opened the floor to the public.

Sherry Copeland, 58 Main Street: Ms. Copeland had a copy of the fence law and read the section regarding corner lots, which disallows any kind of obstructive fencing or greenery.

Ruben Berrios: Mr. Berrios confirmed that part of the law is not being changed.

Sherry Copeland: Ms. Copeland talked about a corner fence on Second and South Street, which she feels is definitely over 4 feet high and a dangerous situation. She showed pictures to the Building Inspector and Board. She then showed the Board pictures of West Street going into Parking Lot 5 with a fence she believes is over 6 feet high.

Ruben Berrios: Mr. Berrios will look into the situation Ms. Copeland described on Second & South Streets.

Mayor Kohut: The Mayor explained that the fence she is referring to on West Street was up before the parking lot was installed and is someone's side yard.

Sherry Copeland: Ms. Copeland still feels it is a dangerous situation. She feels a "STOP" sign is needed in that area of West Street. She does not see why the Board should make it easier for anyone to install fences on their property.

Terence Watson: Trustee Watson will review the situation on West Street to see what, if anything, is needed in that area. He will get back to Ms. Copeland and the public at the next meeting.

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

RESOLUTION #269-2011

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

Mayor Kohut entertained a motion to approve the amendments to Local Law 245-20 (B)(6).

RESOLUTION #270-2011

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

Mayor Kohut entertained a motion to close the Public Hearing for the Telecommunications law.

RESOLUTION #271-2011

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

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: Counselor Hood requested the Board to give him authorization to sign the Consolidation of the Tax Certiorari filed by Mirant/Genon against the Town and the Village. This will consolidate both the Town and Village matters that apply to this subject, for 2010 and 2011. All future settlements must be approved by both the Village and Town and it will also save on some expenses. The Village Assessor had no problem with this being done.

Mayor Kohut entertained a motion to sign the stipulation with Mirant/Genon.

RESOLUTION #272-2011

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

Counselor Hood has been working on the Environmental Easement on the Warren Court ball field property, by request of DEC. He requested authorization from the Board for the Mayor to sign the easement. Upon completion and approval by the DEC the easement is to be filed with the Rockland County Clerk.

Mayor Kohut: To make things a little clearer, the Mayor informed everyone that the ball field was funded by DEC state funds, therefore, an easement on the property was a requirement from the start of the project. The Mayor stated that Counselor Hood spent a lot of time, effort and money to consolidate all the parcels. He then mentioned that the requirement for the

easement was for the recapturing system that was installed at the ball field to capture the sulfur dioxide smells in the area.

Mayor Kohut entertained a motion to authorize the Mayor to sign the Environmental Easement for the ball field property as required by DEC.

RESOLUTION #273-2011

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

Counselor Hood had nothing further to report.

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

MAYOR'S REPORT, Mayor Kohut: The Mayor received a request from WELLCARE Health Plans of New York, who provide village residents with information on free health care plans, etc. They are looking to park their mobile office in the parking lot adjacent to the Knights of Columbus on the second and fourth Friday's of the month through the end of 2012.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #274-2011

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

The Mayor then continued with the Village Reorganization from the previous meeting as follows:

Planning Board	Anibal Lima, Jr.	5 year term
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Mayor Kohut entertained a motion to that effect.

RESOLUTION #275-2011

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

Planning Board Chair	Thomas Watson, Sr.	1 year term
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Mayor Kohut entertained a motion to that effect.

RESOLUTION #276-2011

Motion by: Rafael Bueno
Seconded by: Emily Dominguez
Abstention: Terence Watson
Motion Carries

Zoning Board	Jose Guareno	5 year term
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Mayor Kohut entertained a motion to that effect.

RESOLUTION #277-2011

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

Zoning Board Chair Edwin Rivera 1 year term

Mayor Kohut entertained a motion to that effect.

RESOLUTION #278-2011

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

Architectural Review Board Joe Silverio 3 year term

Mayor Kohut entertained a motion to that effect.

RESOLUTION #279-2011

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

Architectural Review Board Gil Carlevaro 3 year term

Mayor Kohut entertained a motion to that effect.

RESOLUTION #280-2011

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

Architectural Board Chair Jean Gitlin 1 year term

Mayor Kohut entertained a motion to that effect.

RESOLUTION #281-2011

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

The Mayor then entertained a motion to schedule the Regular Board Meeting dates for the first and third Monday's of each month.

RESOLUTION #282-2011

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

The Mayor mentioned that the meetings for the month of January, due to holidays, would be held on the first and third Tuesdays.

Mayor Kohut entertained a motion to schedule the meeting dates for the following boards:

Planning Board..... first Thursday of each month
Zoning Board..... second Thursday of each month
Architectural Review Board... last Thursday of each month

RESOLUTION #283-2011

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

Mayor Kohut entertained a motion to establish a cash fund for the Justice Court in the amount of \$75.00.

RESOLUTION #284-2011

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

The Mayor received a request from St. Peter's Parish for their annual procession to be held on January 1st starting at 12:00 PM at St. Peter's School. The Mayor read the route for the procession and will forward a copy to Police Chief Miller.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #285-2011

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

The Mayor stated that the Board conducted interviews for the Parking Enforcement position during the previous week. The Board made one selection.

Mayor Kohut entertained a motion to appoint John Beaman to the position of Parking Enforcer, pending approval by Rockland County personnel at the budgeted rate of salary.

RESOLUTION #286-2011

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

The Mayor mentioned that letters will be sent out to residents of Jefferson and Clinton Streets to attend a meeting to be held on January 9th. The Board has received a request to make Clinton Street a one way street.

Since Jefferson Street is already a one way street, making Clinton a one way in the opposite direction would create a continuous loop so cars will not be forced to turn around at the end of Clinton Street. Since this could affect emergency situations, the Mayor has also invited the DPW and the Chiefs of the Fire Department to join them at this meeting.

On behalf of the Board, the Mayor offered best wishes to everyone for a Merry Christmas, Happy Chanukah, Happy Kwanza and a healthy and Happy New Year.

The Mayor had nothing further to report.

Mayor Kohut:
REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – **Trustee Rafael Bueno:** Trustee Bueno submitted the following applications for acceptance to the Haverstraw Fire Department:

Carmelo Maldonado, Jr.	Relief Hose Co. #3
Francis M. Castillo	Relief Hose Co. #3

Both applications are complete and in order.

Mayor Kohut entertained a motion to accept both applicants into the fire company of their choice.

RESOLUTION #287-2011

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

Trustee Bueno mentioned that Rescue Hook & Ladder Co. #1 truck was in Pennsylvania for minor repairs and is now back in service.

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 19th, 2011:

- 1) Started to make improvements on Lot #12 next to Hornicks.
- 2) Black topping alleyways on Clove & Hudson Avenues as well as Sharp Street.
- 3) Installing new lights in trucks.
- 4) Fixed various signs throughout the Village.
- 5) Fixed meters throughout the Village.
- 6) Picked up yard waste, construction debris and white goods.

- 7) Repaired Christmas lights throughout the Village.
- 8) Major cleanup in the yard.
- 9) Cleaned up debris in all alleyways.

Trustee Watson then mentioned that a long time employee of the DPW, Jose Blanco, retired after 26 years of service. Everyone wished him well.

YOUTH & FAMILY SERVICES - Trustee Emily Dominguez: Trustee Dominguez read the following report submitted by Peter Fata, Assistant Director of the Haverstraw Center for the period of December 5th thru December 16th, 2011:

Counseling Services – The staff held counseling sessions for 31 individuals and their family members.

Homework Help: Continue to help approximately 75 young people from 2nd grade through high school who attend daily.

Holiday Program: The center’s holiday program was held that afternoon and was a huge success. Approximately 150 children received gifts from Santa. She thanked everyone for their help.

Trustee Dominguez mentioned that the center was open last week to the children who attend the middle school, which was closed due to a gas leak.

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 through :

Rental property inspections	-	9
Municipal searches	-	4
Miscellaneous inspections	-	64
Construction inspections	-	5
Complaints	-	6
Violations & tickets	-	12
Permits	-	3

Trustee Batista mentioned that the Village is promoting its free parking for the holiday season to restaurant goers, shoppers, etc.

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 commended and thanked the DPW for all the work they have done throughout the Village with holiday displays, etc.

Larry Levine, 1414 Round Pointe Drive: Mr. Levine wanted to ask the Board to try to promote the village more during the upcoming year.

Emily Dominguez: Trustee Dominguez informed Mr. Levine that she and the Mayor are looking to form a committee to prepare a 2 to 3 year marketing plan for the village. She will be looking for volunteers.

Mayor Kohut: The Mayor did want everyone to know that the Village does send out press releases, etc., but they don't always seem to make it into the paper.

Noel Rappaport: Mr. Rappaport feels that perhaps the Chamber can help to promote the village in some way.

Name not given: He inquired about the road conditions on Route 202 by the cemetery. He wanted to know if there was any kind of follow-up done to ensure that the roadways get back to normal.

Mayor Kohut: The Mayor explained that the Board passed a new law requiring utility companies, etc. to be sure to return the roadways to their original condition once they have completed a project. Some enforcement of this new law has begun. He asked Counselor Hood to check into the improvements that were supposed to happen this year.

Theodore Best: Spoke about the drainage in the same area.

Mayor Kohut: The Mayor explained that Route 202 is a state highway and the Village has no control over its maintenance. The state does take care of their roads when they deem it necessary.

Gil Carlevaro: Mr. Carlevaro spoke about a section of road running from Samsondale Avenue to Westside and Route 9W, which he feels looks like a war zone.

Mayor Kohut: The Mayor informed Mr. Carlevaro that when the roadway is cut into or dug up by Orange & Rockland or Verizon that they usually wait a season for the trench to settle before repairing the roadway. O & R will be back in 2012 to mill and resurface the road. If it is really bad the village will do some temporary fill in.

Mel Post: Mr. Post wished the Board and everyone Happy Holidays.

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 #288-2011

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

Respectfully submitted by,

Beverly A. Swift
Senior Steno Clerk
January 5, 2012