

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, February 6<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. With no response from the public, the Mayor continued the meeting with a rezoning proposal. He invited David Zigler to make his presentation and requested Robert Laureano, Esq. to fill in for Village Attorney, Jay Hood, Jr., Esq., who is petitioning for the zone change.

David Zigler - Atzl, Scatassa & Zigler, Engineers/Planners: Mr. Zigler stated that he previously submitted a petition for a zone change for the property located at 217 Route 9W, formerly the Bavarian Gardens, currently the law offices of Hood, Hood & Hood, Esqs. who occupy and own the building; a business zone. The adjacent two properties on Route 9W, are also owned by the Hood family, however, they are located in a residential zone. It is currently very difficult to enter or exit the Hood office due to the amount of traffic in that area of Route 9W. This petition is to rezone the two buildings from residential to commercial zone, which would give everyone access to both roads adjacent to his business. He mentioned that approximately 8 years ago they submitted a Site Plan to the Village Board and the Planning Board, which was eventually withdrawn. He stated that the commercial field is strong at the current time with a large amount of businesses looking to occupy retail space in a good location. Mr. Zigler then presented the petition for the zone change to the Board with map, survey, etc. included. He also stated that a Public Hearing would be required for this petition, which would be scheduled some time forthcoming. This rezoning would allow for offices, banks, drug stores, and any business that falls under the commercial guidelines, also mentioning that there are no covenants or easements on the property. Mr. Zigler stated that this is not a Mixed Use Zone, which is for residential/commercial properties; it is strictly commercial. He then asked if the Village Board would declare themselves Lead Agency and refer it back to the Planning Board with a possibility of setting up an escrow account for the Advisors.

Robert Laureano, Esq.: Counselor Laureano stated that the Village Code gives the Board the authority to entertain this application as Lead Agency. Procedurally, the Board can make a referral to the Planning Board who in turn is required to submit a report to the Village Board of Trustees within a 60 day period. If the Planning Board does not file a report within the required timeframe, the Village Board has the right to hold a Public Hearing and proceed with the application.

With no questions from the Board, Mayor Kohut entertained a motion to refer the application for the zone change to the Planning Board.

## RESOLUTION #27-2012

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

Mayor Kohut then entertained a motion to declare the Village Board as Lead Agency on this application.

RESOLUTION #28-2012

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

Dave Zigler: Mr. Zigler will make arrangements to present the application to the Planning Board at their March meeting, but informed the Board that the application also requires review by the Rockland County Planning Board, the Town of Haverstraw, Village of West Haverstraw and NYSDOT.

Mayor Kohut:

**REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY, Jay Hood, Jr.:** Counselor Hood requested approval from the Board to settle the Executive Touch action suite for moving expenses in the amount of \$25,000.00. Ginsburg Development will reimburse the Village for that amount.

Mayor Kohut entertained a motion to approve payment of \$25,000.00 to Executive Touch for moving expenses; fee to be reimbursed by Ginsburg Development.

RESOLUTION #29-2012

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
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 informed everyone that the Village Board has appointed a Promenade Committee to review the applications that were submitted for the design of the promenade, which will run from Emeline Park north to Warren Avenue. The Village received ten applications of which one has been withdrawn. The committee will review the proposals of the top five applicants to prepare the design, including McClarin Engineering, Brooker Engineering, VHV, Cameron Engineering and Weston & Samson. The committee will be scheduling a meeting to interview the above mentioned firms and make a selection of proposals to be forwarded to the Village Board for their review and consideration.

The Mayor stated that the Village has had an Ethics Board on the books for many years, but thankfully has not had to meet for any potential ethical violations. At this time, however, the NYS Comptrollers Office is eager to be sure that each municipality does have an Ethics Board. The Village's Ethics Board consists of three people; two from the community and one government official. The Village Board has discussed the matter and has requested Father

Madden from St. Peter's Church and Reverend Tim from the Bricktown Gospel Fellowship to be a part of this committee, as well as the Village Accountant, Joseph Modafferri.

The Mayor then mentioned that the Board has requested Counselor Hood to prepare a Local Law to override the 2% tax levy limit recently passed by the Governor and the State Legislature. One of the issues with this cap is that if the municipality makes a mistake in calculations and is over the limit, the overage has to be deposited in a separate account and refunded to the public or else the municipality will be in violation of the law and subject to a fine and penalty. He gave an example of the numbers. By passing a Local Override Law to override the 2% cap, the municipality would not be held in violation of the 2% tax levy. The New York Conference of Mayors (NYCOM) has recommended municipalities pass a Local Override Law to insure that they will not have any problems if there is a mistake in calculations. He also mentioned that this law has to be approved on a yearly basis.

Jay Hood, Jr., Esq.: Counselor Hood mentioned that our Village Accountant, Joe Modiferri has attended conferences on this subject, stating that it is a complex calculation and mistakes can happen. This law is being presented in case any miscalculations occur.

Mayor Kohut entertained a motion to set the Public Hearing on the Local Override Law for Tuesday, February 21<sup>st</sup>.

RESOLUTION #30-2012

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

The Mayor reminded everyone that February 21<sup>st</sup> is also Tax Grievance Night and anyone wishing to grieve their taxes can come to the Village Hall between the hours of 5:00 PM to 9:00 PM.

The Mayor received a Letter of Resignation from Frances Serrano, who has served on the Architectural Review Board (ARB) for many years. She will be moving out of the Village. The Mayor read her letter in which she thanked everyone for the opportunity to serve the Village.

Mayor Kohut entertained a motion to regretfully accept the resignation of Frances Serrano.

RESOLUTION #31-2010

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

The Mayor then mentioned that the Board has received a letter, which he read in full, from Yolanda Lopez, who has expressed an interest in serving on the ARB.

Mayor Kohut entertained a motion to appoint Yolanda Lopez to the now vacant position on the Architectural Review Board.

RESOLUTION #32-2010

Motion by: Emily Dominguez  
Seconded by: Francisco Batista

Motion carries: All

The Mayor then read another Letter of Resignation from Gloria Harrison who is resigning from her position as Parking Enforcement Aide as of Sunday, February 5<sup>th</sup>. Ms. Harrison will be continuing in her position as Crossing Guard.

Mayor Kohut entertained a motion to regretfully accept the resignation of Gloria Harrison from her position as Parking Enforcement Aide.

RESOLUTION #33-2012

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

The Mayor then read a request from the Brick Museum to hold an antique sale in the Village, using the same plans as last year. They are requesting the Village close Maple Avenue, in the area where the Farmers Market is held, on Saturday, May 12<sup>th</sup> and possibly Sunday, May 13<sup>th</sup> to hold a two day event.

Mayor Kohut entertained a motion to approve the request of the Brick Museum to hold an antique sale and close a portion of Maple Avenue for one or possibly two days.

RESOLUTION #34-2012

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

The Mayor stated that Ruben Berrios, Building Inspector, has been soliciting proposals to revamp the in-floor radiant heating system in the Village Hall building, for both the Village and the bank portions. He would like to separate the system to give the bank control over their system. He received proposals from RH Plumbing, Raffa Plumbing and CV Plumbing. He is recommending the Board accept the proposal received from Raffa Plumbing in the amount of \$3,910.00.

Mayor Kohut entertained a motion to accept the proposal from Raffa Plumbing in the amount of \$3,910.00.

RESOLUTION #35-2012

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

The Mayor received a request from the Village Accountant, Joe Modafferri, to make the following adjustments to the budget:

Increase Acct. A.3410.4	Fire Contractual	\$20,300.00
Decrease Acct. A.9025.8	Firemens Benefit	\$20,300.00

Mayor Kohut entertained a motion to that effect.

RESOLUTION #36-2012

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

The Mayor reminded everyone that a Public Information Meeting with regard to the “Streetscape” Plan has been scheduled for Monday, February 13<sup>th</sup> at 7:00 PM.

**Mayor Kohut:**

**REPORTS OF STANDING COMMITTEES**

**FIRE & ORDINANCES** – **Trustee Rafael Bueno:** Trustee Bueno read the following report submitted by Fire Chief Patrick McNamee for the month of January, 2012:

Total Alarms	-	24
General Alarms	-	18
Special Calls	-	3
Mutual Aid Calls	-	4
Structure Fires	-	0
Cooking Fires	-	4
Vehicle Fires	-	0
Extrication Calls	-	2
Boat Calls	-	0
Good Intent/Miscellaneous		3
False Alarms	-	6

Total Manpower Responding: 651 members

The department also assisted the West Haverstraw Fire Department with a pumper and manpower at the scene of the house explosion on January 16<sup>th</sup>, 2012.

Trustee Bueno had nothing further to report.

Mayor Kohut: With regard to the explosion in West Haverstraw, the Mayor announced that the West Haverstraw Fire Department is having a fundraiser at the Hi-Tor Bowling Alley on February 17<sup>th</sup> to help the people who were displaced from their homes. Donations can be made to the West Haverstraw Fire Department or the Town of Haverstraw.

**PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson:**

Trustee Watson read the following report submitted by George White, Superintendent of Public Works, as of February 6<sup>th</sup>, 2012:

- 1) Cleaned up throughout the Village following the snowstorm of January 21<sup>st</sup>.
- 2) Repaired the catch basin at 55 Riverside Avenue.
- 3) Reinstalled new signs throughout the Village.
- 4) Dumped fill for the Community Garden.

- 5) Continue to remove fill from Emeline Park to the Chair Factory property.
- 6) Picked up yard waste, construction debris and white goods.

Trustee Watson had nothing further to report.

**YOUTH & FAMILY SERVICES** - Trustee Emily Dominguez: Trustee Dominguez read the following report submitted by Ass't. Director Peter Fata for the period of January 13<sup>th</sup> thru January 26<sup>th</sup>, 2012:

**COUNSELING SERVICES** – The staff held counseling sessions for over 30 individuals and their family members.

**GET IN WITH FIT:** This is a new program at the Community Center, being run by Tanya Soto, in conjunction with Hudson Health Care and Rockland Community Health Department. It is a 9 week fitness program for girls in the 10<sup>th</sup> thru 12<sup>th</sup> grades. The objective is to teach the girls how to improve their body image through good eating habits, stressing fast food portion control, reading food labels, visiting a Bodega, etc.

**DMI PROGRAM** - Representatives from the District Attorney's Office did a presentation at the last meeting. A smaller group will be getting together to get the word out to the community and restart the DMI Program for 2012.

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 16<sup>th</sup> thru February 3<sup>rd</sup>:

Rental property inspections	-	18
Municipal searches	-	3
Miscellaneous inspections	-	152
Construction inspections	-	10
Complaints	-	13
Permits & C.O.'s	-	34
Violations & tickets	-	23

Trustee Batista had nothing further to report.

**MINUTES:** The Mayor presented the minutes of the Regular Meetings of November 21<sup>st</sup>, December 5<sup>th</sup> and December 19<sup>th</sup>, 2011 for approval by the Board.

Mayor Kohut entertained a motion to approve the above minutes with one minor change.

RESOLUTION #37-2012

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

Mayor Kohut:  
**OLD BUSINESS**

The Mayor mentioned that an application for a basement apartment at 29 Broadway was previously presented to the Board for consideration. The Village Board forwarded the application to the Planning Board who came back with a recommendation, however, before the Village Board made a final decision they choose to visit the property, which they did this past Thursday. The Mayor read the entire engineers report at the previous meeting and again at this meeting, which listed several issues about the property prohibited by the Village Code. The following is a summary of that report:

- 1) No proper access on its own parcel.
- 2) A nonresidential use is prohibited above a floor containing a residential use.
- 3) No such dwelling unit shall contain more than two bedrooms.
- 4) The plan submitted does not clearly show a suitable, safe, direct and attractive means of access to the dwelling unit for pedestrian use.
- 5) The only access to the proposed dwelling unit is through a village owned parking lot.
- 6) The Site Plan did not show if a viable sewer connection is feasible.

Based upon the site visit and the recommendations by both the Planning Board and the Village Engineers, the Village Board made the decision to deny the application.

Mayor Kohut entertained a motion to deny the applicant's request for a basement apartment based on the above issues.

RESOLUTION #38-2012

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

Mayor Kohut:  
**NEW BUSINESS**  
None.

Mayor Kohut:  
**2<sup>nd</sup> PUBLIC PARTICIPATION**  
There was no feedback from the public.

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 #39-2012

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

Respectfully submitted by,

Beverly A. Swift  
Senior Steno Clerk  
February 8, 2012