

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, April 2nd, 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.

Larry Levine, 1414 Round Pointe Drive: Mr. Levine inquired when the DPW garage will be painted.

Terence Watson: Trustee Watson informed Mr. Levine that the paint came in, however, other items came up that took priority over painting the garage. It is on the schedule of items to be completed in the spring.

Mayor Kohut: The Mayor informed the public that the Board Room and Justice Court were being re-carpeted at no cost to the taxpayers. He explained that the Justice Court received a grant to refurbish the Court Room and their office space and the carpeting was part of the renovation.

The Mayor then requested Village Attorney, Jay Hood, Jr. Esq., to discuss the proposed new Local Law with regard to the display and sale of tobacco to minors.

Jay Hood, Jr., Esq.: Counselor Hood explained that the Board reviewed the proposed Local Law and requested some language changes, which he made. He read the changes and presented the law to the Board for review.

Mayor Kohut: The Mayor announced the continuation of the Public Hearing on the advertising and sale of tobacco products to minors.

Denise Hogan, POWER AGAINST TOBACCO: Ms. Hogan read the Surgeon General's Report, which, in brief, states that the colorful and attractive displays of tobacco products plays a crucial role in the decision of individuals, particularly young people, to begin using these products and that an overwhelming number of adolescents who use these products become addicted. This new Local Law would prevent businesses from advertising and selling tobacco products to minors.

Mayor Kohut: The Mayor inquired if this law has been passed elsewhere in the country.

Denise Hogan: Ms. Hogan stated that Haverstraw would be the first municipality to pass this law.

Jay Hood, Jr., Esq.: Counselor Hood inquired if the tobacco companies know about this law.

Denise Hogan: Ms. Hogan assured Counselor Hood that the tobacco companies are well aware that this law is being presented to municipalities for passage.

Carrie Snyder, Member of the Board on Tobacco Policy, Boston, Massachusetts: Ms. Snyder mentioned that they work with programs in New York State to help support policy initiatives. She stated that the tobacco industry is aware that programs are being developed for these types of initiatives. She mentioned that this law is currently in use in Canada and is being proposed in Australia, the UK, New Zealand, Ireland, etc., who are all in favor of passing this law.

Emily Dominguez: Trustee Dominguez inquired if this law has been presented to any other municipality in the County.

Carrie Snyder: Ms. Snyder stated that they have been working with the Village of Haverstraw for the past five years.

Emily Dominguez: Trustee Dominguez questioned if passing this law could present any type of lawsuit against the Village.

Jay Hood, Jr., Esq.: Counselor Hood responded that the tobacco companies can file a lawsuit against the Village if they find the law unconstitutional. It is his hope that all the groups involved have thoroughly researched this problem to prevent any type of lawsuit. It would be an Article 78 proceeding if anyone were to take action on this law.

Mayor Kohut: The Mayor believes it would have to be the business that is being hindered and not the tobacco company that would be allowed to file a lawsuit.

Carrie Snyder: Ms. Snyder stated the model that the Village based its law on has been thoroughly researched and would withstand any constitutional challenge. There is nothing in the law that is against the first amendment.

Emily Dominguez: Trustee Dominguez inquired if any of the bodegas or businesses have been put on notice about this law.

Carrie Snyder: Ms. Snyder responded that it was recommended that they not approach the retailers.

Rafael Bueno: Trustee Bueno emphasized that the tobacco companies themselves have a warning on their labels that tobacco smoking may be harmful to your health.

Carrie Snyder: Ms. Snyder stated it is a legal substance, but it can kill.

Mayor Kohut: The Mayor inquired if Canada has seen a decline in youth sales because of this law.

Carrie Snyder: Ms. Snyder responded the law has only been in effect for the past few years, however, they are coming up with figures showing a decline in youth sales.

Emily Dominguez: Trustee Dominguez stated that she would like to see something sent to the tobacco companies to prevent any kind of lawsuit from occurring. She totally supports this law, but does not want the Village to face any lawsuits due to this law.

Jay Hood, Jr., Esq.: Counselor Hood then inquired what action the Village would take if the tobacco company files a lawsuit. He feels informing them would not resolve anything, mentioning that anybody can sue anybody, however, it does not mean that they are going to be victorious. He believes the Village is on the right track with this law and after further review will be ready to vote, one way or the other, at the next meeting.

Mayor Kohut: The Mayor stated that the proposed law will be reviewed once again by the Board and scheduled for a vote at the next Board Meeting on April 16th.

Mel Post, 1422 Round Pointe Drive: Mr. Post is also concerned about a lawsuit being brought against the Village. He feels it would be a beneficial law, but also that the Village has to be sure that every aspect of the law is on legal ground because the Village would not want to incur the expense of that kind of lawsuit. At this point, the Village has already incurred far too many expenses. He wants to be sure that the Village is on very firm legal ground with this law and willing to sustain a possible challenge, particularly since the Village would be the first municipality in the United States to pass such a law.

Mayor Kohut: The Mayor responded that the Village would be on firm legal ground because there is no precedent until the law is challenged.

Mel Post: Mr. Post rephrased the question asking if the Village is ready, in its current financial state, to take on any challenges with this law and a possible lawsuit.

Jay Hood, Jr., Esq.: Counselor Hood stated that the Village can always withdraw the law if there is a lawsuit. A resolution can be passed to withdraw the law, which would resolve the lawsuit. The law can then be revamped and the Village would not incur numerous legal fees.

Denise Hogan: She informed everyone that the Ulster County Health Department is in the process of preparing a similar law for the entire county.

Alana Butel: She works for the Rockland County Health Department and reminded everyone that protecting the children is the main reason for passing this law. She also mentioned that the tobacco industry is targeting the young people with its advertising and wants to replace those people that die from the effects of smoking with our younger generation. She feels we cannot put a price on protecting the health and welfare of our children.

Sarah: She is a senior at Ramapo High School, who smoked for 6 years and has seen many students turn away from tobacco because of programs similar to this. She feels this would really be an enormous benefit to all the communities in the county.

Larry Levine: Mr. Levine inquired if a program like this has to be presented to each individual municipality or could it be considered as a class action

situation where all the municipalities would be involved and pass it as a county law.

Jay Hood, Jr., Esq.: Counselor Hood stated that it could be done on any level right up to Federal, however, right now it is being presented to the Haverstraw Village Board for their review and approval and at some point it may very well be a county law.

Mayor Kohut entertained a motion to continue the Public Hearing with regard to the advertisement and sale of tobacco to minors.

RESOLUTION #79-2012

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

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: Counselor Hood requested authorization to forward a new lease, with a three year extension, to the Brick Museum.

Mayor Kohut entertained a motion to commence negotiations with the Brick Museum for another three year lease.

RESOLUTION #80-2012

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

Counselor Hood then requested a vote to authorize the Village to bond for the settlement of a Tax Certiorari in the amount of \$1.2 million, for claims at the Harbors and by Martin Ginsburg for the years 2004 through 2012. He explained that this does not mean that \$1.2 million has to be borrowed, but that authorization will be for up to \$1.2 million, depending on the financial situation and other money that may be available when the time arrives to make payment.

Mayor Kohut entertained a motion to proceed with the bonding for the settlement of the Tax Certiorari with Harbors Haverstraw for \$1.2 million.

RESOLUTION #81-2012

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

ROLL CALL VOTE:

Trustee Batista	- No – He feels it is being rushed through and still needed things to be clarified.
Trustee Bueno	- Yes
Trustee Watson	- Yes
Trustee Dominguez	- Yes
Mayor Kohut	- Yes

Judith Curcio, Village Clerk/Treasurer: Ms. Curcio stated, with a vote of 4 yes to 1 no, the resolution passes.

Counselor Hood then requested the Board to approve the renewal of the contract with Marion Breland Oswald, Director of the Haverstraw Center for a period of three years, in the amount of \$30,000.00 per year, which is largely reduced from her previous salary. The contract does not include any benefits and she is not allocated any leave time or anything of that nature. He did mention, however, that if the OASAS funding or any other grant that helps to pay for the Reachout Program is terminated and Reachout would have to close, that this job would be terminated at the same time.

Mayor Kohut entertained a motion to allow the Mayor to engage in a contract with Ms. Oswald for the period and salary stated above.

RESOLUTION #82-2012

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion Carries: All

Counselor Hood requested a resolution assigning the Assistant Village Attorney to plead vehicle and traffic tickets in the Village court. He feels this will speed up the violations process and allow for more guilty pleas because the Police Officer would not have to be present in court. The Assistant Village Attorney would be able to take the pleas before the judge and collect more fees for the Village.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #83-2012

Motion by: Emily Dominguez

Seconded by: Rafael Bueno

Motion Carries: All

Rafael Bueno: Trustee Bueno believes this will greatly help the Village because when the Police Officer does not show up, the violations are dropped. The Assistant Village Attorney can present the case to the judge, thereby collecting more revenue for the Village.

Counselor Hood had nothing further to report.

VILLAGE TREASURER, Judith Curcio: Ms. Curcio read the following report for the period of January and February, 2012:

TOTAL DISBURSEMENTS	\$ 1,104,981.00
TOTAL REVENUE	\$ 296,931.00

Ms. Curcio had nothing further to report.

MAYOR'S REPORT, Mayor Kohut: The Mayor and Board received a copies of the 2011 annual reports for Length of Service Awards Program (LOSAP) for the fire department and requests the Board's approval of these reports.

RESOLUTION #84-2012

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

The Mayor received a request from the Haverstraw Little League for permission to hold their annual parade starting at 9:00 AM on April 14th from the Knights of Columbus to the Little League ball field on Gurnee Avenue.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #85-2012

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

The Mayor received a request from the local Girl Scouts for continued use of the Knights of Columbus Parking Lot as a pickup spot for their summer day camp program. Pickup is at 8:45 AM with drop off at 4:15 PM, Monday through Friday, from the beginning of July until the middle of August. They will provide the necessary insurance documents, etc.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #86-2012

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

The Mayor received a request from the United Latin Festival of Haverstraw to hold their parade on July 15th (or in case of rain July 22nd) beginning at 12:30 PM, with the festival to end at 8:00 PM. The Mayor read the parade route, which will begin at the Post Office on Main Street, marching through several streets in the Village and ending at the Middle School field where the festival will take place.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #87-2012

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

The Mayor also requested approval to help fund the event with a \$1,000.00 donation, which has been donated in the past.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #88-2012

Motion by: Emily Dominguez

Seconded by: Francisco Batista
Motion Carries: All

The Mayor received a request from St. Peter's Church to hold their annual Good Friday procession starting at 6:30 PM. The Mayor read the entire route for the procession, which will begin at the school, walking through several streets in the Village and ending at the church.

Mayor Kohut entertained a motion to approve the annual Good Friday procession and have a copy of the route sent to Police Chief Miller.

RESOLUTION #89-2012

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

The Mayor received a request from the Dominican Liberation Party for permission to use the parking lot at the corner of Broad Street and Broadway. They are requesting multiple Saturday's, but the Board would prefer offering them Sunday, May 6th, from 1:00 to 5:00 PM, because Saturday's are busy days in the downtown. They would have to provide the proper insurance coverage. Trustee Batista translated for a gentleman.

The Mayor received a request from the Elks Lodge to fly their flag at the Village Hall for the month of June in honor of "Flag Day" on June 14th. The Elks was the organization that worked to have "Flag Day" adopted in the United States.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #90-2012

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

The Mayor announced that a budget hearing is scheduled for Monday, April 9th at 7:00 PM.

The Mayor had nothing further to report.

Mayor Kohut:

REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – Trustee Rafael Bueno: Trustee Bueno submitted the following application for acceptance to the Haverstraw Fire Department as follows:

Fernando Salvador - Lady Warren Hose Co. #5

He is applying as a non-resident, living in the Village of West Haverstraw. This application was complete and in order.

Mayor Kohut entertained a motion to accept the above applicant into #5's.

RESOLUTION #91-2012

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion Carries: All

Trustee Bueno then read the following report submitted by Fire Chief Patrick McNamee for the month of March, 2012:

Total Alarms	-	16
General Alarms	-	11
Structure Fires	-	0
Cooking Fires	-	2
Brush Fires	-	2
Vehicle Fires	-	1
Extrication Calls	-	1
Special Calls	-	3
Boat Calls	-	0
Mutual Aid Calls	-	2
Gas Leaks	-	4
False Alarms	-	6
Good Intent/Miscellaneous	-	1
Total Manpower Responding	-	447 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 April 2nd, 2012:

- 1) Started cleanup at the DPW yard.
- 2) Replaced three catch basins on Maple Avenue.
- 3) Painted walls at the Village Court.
- 4) Removed furniture from Courtroom for the carpet installation.
- 5) Removed the tree in front of the Village Hall.
- 6) Repaired damaged signs throughout the Village.
- 7) Installed fencing on the ball field.
- 8) Installed signage for Dutchtown.
- 9) Put up spring banners and American Flags.

Trustee Watson had nothing further to report.

YOUTH & FAMILY SERVICES - Trustee Emily Dominguez: Trustee Dominguez reported on the following activities at the Community Center:

The center is now accepting applications for summer camp from 9:00 AM to 3:00 PM for children 6 to 14 years of age. Camp will run from July 9th through August 17th.

Reachout Counseling Services – The staff held counseling sessions for 27 individuals and their family members for group and family canceling.

Homework Help – The staff continues to provide homework help to approximately 75 young people from 2nd grade through 8th grade who attend daily.

Unity in the Community – The center was open for the children during the week that school was closed. Many programs were offered and approximately 50 kids attended.

Ground will be broken for the new concession stand at the Cpl. Manny Lopez Ball Field on Saturday, April 21st at 9:30 AM. They are looking for volunteers to help with the building and set-up.

Haverstraw Clean-up Day is scheduled for Monday, April 30th, at 11:00 AM.

There is an upcoming cyclist race scheduled on Sunday May 20th, starting at the George Washington Bridge and ending at Bear Mountain. There will be approximately 3,000 to 5,000 cyclist entered to ride in the event, including a cyclist from our village. Her goal is to have a welcoming committee, possibly with a DJ, as the cyclist will be riding through the Village. She read the route that they will be taking before entering Bear Mountain. Anyone wishing to volunteer can see the Village Clerk.

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 March 19th through March 30th, 2012:

Rental property inspections	-	3
Municipal searches	-	8
Miscellaneous inspections	-	143
Construction inspections	-	8
Complaints	-	10
Violations & tickets	-	8
Permits	-	5

Winter Parking rules are over.

Trustee Batista had nothing further to report.

Mayor Kohut:

OLD BUSINESS

None.

Mayor Kohut:

NEW BUSINESS

Trustee Dominguez informed everyone that the new entrance sign to the Village will be delivered some time next month and spots are currently being sold to advertise the downtown businesses. Anyone wishing to advertise should see the Village Clerk. Sponsorship signs are also being sold for the ball field for anyone interested.

Trustee Batista mentioned a problem in his neighborhood on Santiago Avenue, which last year caused an infestation of rats. He has spoken to the Building Inspector with regard to the property and feels it should be taken care of quickly before it happens again this year.

Mayor Kohut:

2nd PUBLIC PARTICIPATION

Noel Rappaport: Mr. Rappaport asked about the burned out house on Maple Avenue. He thought it was supposed to be taken care of last year.

Terence Watson, Jr.: Trustee Watson informed Mr. Rappaport that there are still several legal issues that have to be taken care of before it can be demolished.

Mel Post: Mr. Post inquired if anything has been done with regard to the Rowing Club. Mr. Rodriguez had previously requested a piece of property to create a crewing station for the long boats, which he feels would be very advantageous to the Village because it is a sport that will attract a lot of tourist.

Mayor Kohut: The Mayor stated that the Rowing Club could not move forward with this project because they were asking the Village to give up control of certain zoning and the Club would be Lead Agency for that grant. The Village was willing to move forward on paper, but the documentation that the grant would require would be that the Board give them carte blanche approval, which they felt they could not do. In order for them to get the grant they needed a firm commitment, as well as site control on that property.

Mel Post: Mr. Post just felt that it sounded like such an advantageous thing for the Village and wanted to know if the Board could re-open the matter or any Trustee could follow up on the matter.

Francisco Batista: Trustee Batista believes the Rowing Club needs to move forward on this and follow whatever procedures are necessary before the Board can do anything.

Jay Hood, Jr., Esq.: Counselor Hood stated that the Village could not do what they wanted, which was for the Village to give up Lead Agency on the project. He believes the Village Board made it clear that they were open to the idea, however, a proposal was never submitted to the Board. As a whole, the Village is in favor of this happening.

Mayor Kohut: The Mayor mentioned that the row team continues to operate from the Harbors Marina. They are looking for a permanent spot where they can construct a boathouse, etc., which is not feasible at the current time.

Emily Dominguez: Trustee Dominguez stated that the whole board is in agreement with Mr. Post, but Mr. Rodriguez would have to bring a proposal to the board for anything to move forward and to date they have not received anything from him.

Francisco Batista: Trustee Batista stated that perhaps it was due to the grant they were trying to pursue, which is done in certain time frames, which may have passed.

Mel Post: Mr. Post inquired if the Board would like the Row Team to once again present and move forward with this project.

Terence Watson, Jr.: Trustee Watson stated again that the Board would love to see this come to fruition, however, there has to be a grant involved to fund the whole project.

Mel Post: Mr. Post then inquired about one side of the street parking on Maple Avenue and wanted to know if this issue was ever resolved.

Terence Watson, Jr.: Trustee Watson stated that the matter was never brought up again.

Mayor Kohut: The Mayor stated that he was content with the parking as is and thinks it works fine.

Francisco Batista: Trustee Batista informed Mr. Post that members of the Board went out a couple of times and did not see any problems with the parking as is.

Mel Post: Mr. Post stated when he drives in that area, there are cars weaving in and out of traffic. He then mentioned the buses that drive through that area, as well as the big trucks.

Mayor Kohut: The Mayor explained that the majority of the vehicles are now using the new overpass and are no longer a part of the traffic in that area unless they are specifically picking up children in that location. There are other streets in the Village in the same predicament, and people have adjusted to it with no major incidents.

Mel Post: Mr. Post mentioned that there are streets in the Village where parking is only allowed on one side. He wanted to know why it is not like that throughout the Village.

Mayor Kohut: The Mayor responded that the streets are narrower and the Village would then be limiting the amount of parking for its residents, as well as visitors. The Village cannot keep taking parking away from residents. The Mayor mentioned that there are times during the day when parking on both sides is a necessity for people picking up their children from day care and the residents in that area that would be affected by a parking restriction. He does not feel there is enough of a safety benefit to eliminate more parking on Maple Avenue. In his opinion, the parking should remain as is.

Mel Post: Mr. Post wanted to know if that was everyone's opinion.

Mayor Kohut: The Mayor stated that if the Board wanted to take another look at the area and re-address the issue they were free to do so.

Mel Post: Mr. Post then brought up the lawsuit for \$3.9 million with AA Electric and wanted an update on what is being done.

Mayor Kohut: The plaintiff has not finalized the proposed judgment, which is then given to the Village Attorney for review and to make any necessary corrections. Once both parties are in agreement, it goes back to the Judge for a final judgment. The Village Attorney has not yet received the proposed judgment from AA Electric, therefore, the Village has not yet appealed the judgment because it has not yet been perfected.

Mel Post: Mr. Post inquired if the Village is planning to appeal when the time comes.

Mayor Kohut: The Mayor responded absolutely. The judge is new to the realm of condemnation. Pending an outcome of a case in Westchester it will give the Village a good idea of how strong its case is. Our attorney's believe it will end favorably for the municipality.

Larry Levine: Mr. Levine was very happy with the overpass, however, he wanted to know if the work is complete.

Mayor Kohut: The Mayor responded that there are still some minor issues they have to resolve, for example if any of the plants or trees have died they will have to replace them and the State still has a few other items to take care of, which is why the trailer is still on site. They should be finishing up soon, but he does not have an exact timeframe. There is no cost to the Village until the State actually turns everything over to the Village.

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the meeting, wishing everyone a Happy Easter and a Happy Passover.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #92-2012

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

Respectfully submitted by,

Beverly A. Swift
Senior Steno Clerk
May 7, 2012
File #70