

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, October 6<sup>th</sup>, 2014, beginning at 8:00 PM.

#### PLEDGE OF ALLEGIANCE

ROLL CALL	Trustee Batista	- Present
	Trustee Bueno	- Present
	Trustee Watson	- Present
	Trustee Dominguez	- Absent
	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 Point Drive: Mr. Levine thanked the Board for the installation of the "STOP" sign on the corner of New Main Street and Clove Avenue. He then inquired why the "speed hump" is completely across the road.

Mayor Kohut: The Mayor responded that it was installed that way to prevent people from going around the hump and into oncoming traffic.

Larry Levine: Mr. Levine feels it is time to upgrade all the yellow road lines throughout the Village.

Mayor Kohut: The Mayor explained that in communities where the roads are narrow and there is parking on the side of the street drivers would always have to cross over the yellow line to get by, which would technically be a violation and is the reason they are only on wider roads in the Village.

Larry Levine: Mr. Levine informed the Board that the lot belonging to the company who took over the business on Dr. Girling Drive is full of cars. He was under the assumption it was supposed to be a repair shop.

Trustee Watson, Jr.: If the equipment Mr. Levine was referring to was at the end of the garage it does not belong to the business.

Larry Levine: Mr. Levine is still very concerned about the health issues stemming from the dust at Tilcon. He also continues to see the mound of silt grow higher and feels something needs to be done. He stated that the amount of dust generated by Tilcon is just not healthy and it is getting worse. He still feels something has to be done even if on the County level. The only time the "mountains" get sprayed down is when it rains. He really feels at this point it is a real health issue and the Board needs to address this as soon as possible.

Jay Hood, Esq., Village Attorney: Counselor Hood stated that he would speak to County Executive Day to have his attorney's office look into it and see if anything can be done. He knows that Tilcon is under certain laws and that options are limited but he will inquire.

Larry Levine: Mr. Levine feels that the Police Department has to be more responsible for all the trucks that are supposed to be driving in the right lane going up the overpass. They are always in the left lane and they just don't care. He will also bring this problem up at a Town Meeting.

Mel Post, 1422 Round Point Drive: Mr. Post informed the Board that he used the overpass several times that day and the dust on the overpass was unbelievable and is creating a dangerous situation for drivers, especially coming down the hill. He also mentioned the debris left on the road from the Tilcon trucks. He feels that perhaps the “mountains” are now too high for Tilcon to water down, which he has not seen them do over the past 2 years. He mentioned that Tilcon did make a number of commitments to him personally, that they would clean off the backs of the trucks before leaving the yard and wet down the mounds, etc. It is not a good situation for anyone in the Village, especially at Harbors where the dust is in the air-conditioning units, etc. There has actually been a resident of Harbors who was told to move out because of health reasons. He mentioned that there were not 500 families living so close by when all the rules and regulations applying to mining were put into place.

Trustee Watson, Jr.: Trustee Watson informed Mr. Post that the DPW has made numerous phone calls to Tilcon about overloading the trucks and cleaning them down before they leave the yard. Robert Drexler has had the DPW secretary call Tilcon on several occasions about the overloaded trucks or the spillage. The DPW then ends up sending the sweeper to pick up the debris.

Danny Rivera, 1 Broadway: Mr. Rivera came before the Board previously with regard to putting 2 apartments on the 2<sup>nd</sup> floor of what was the former Union State Bank Building, mentioning there is approximately 1900 sq. ft. on the 2<sup>nd</sup> floor.

Mayor Kohut: The Mayor explained to the public that Mr. Rivera has 1 apartment on the 2<sup>nd</sup> floor by right, with a request to put 2 apartments on the 2<sup>nd</sup> floor. The Mayor mentioned that he would have to meet all the Building Codes, Fire Codes, etc. and address the parking issue for tenants.

Danny Rivera: Mr. Rivera has spoken with the Village Engineer who suggested he lease 4 spaces from the Union Restaurant Parking Lot.

Mayor Kohut: The Mayor feels that they need to tie the improvements to a permanent easement to be created on the Union Parking Lot, so there would always be parking available to those rental units.

Francisco Batista: Deputy Mayor Batista inquired about how many bedrooms would be in each apartment.

Danny Rivera: Mr. Rivera responded they would be 2 bedroom apartments.

Mayor Kohut entertained a motion to approve the installation of 2 dwelling units on the 2<sup>nd</sup> floor of the building at 1 Broadway as requested by RIPE Properties (Danny Rivera), with parking to be a permanent easement to the Union Parking Lot.

**RESOLUTION #228-2014**

Motion by: Rafael Bueno

Seconded by: Terence Watson, Jr.

Motion Carries: All

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:** The Mayor reminded the public that the condemnation of the Site A parcel of Harbors, which has been in litigation since 2003, received an adverse decision in 2012. He explained that the Village then appealed to the Appellate Division of the State of New York, however the Court of Appeals denied the appeal, meaning that the case of the Village of Haverstraw vs. AAA Electricians is over with the judgment of the court being upheld in the amount of \$6.5M and now the matter of payment is upon the Village. He then informed the public that GDC had previously paid \$2.4M in 2003. Interest on that amount was 9% per annum or \$2.4M so that the Village, by law, and GDC by contract, is responsible to pay \$6.4M additionally, with interest being accrued daily. He informed the public that the Village is in discussion with Mr. Ginsburg on how and when this will be paid. The Board, therefore, would like to retain the services of Norton, Rose, Fulbright of New York City, presently the Village's Bond Counsel who have a department that deals with Creditors Rights, to handle this situation.

Mayor Kohut entertained a motion to retain the services of Norton, Rose & Fulbright as stated above.

**RESOLUTION #229-2014**

Motion by: Francisco Batista

Seconded by: Terence Watson, Jr.

Motion Carries: All

The Mayor reported that he will be sending a letter to the New Jerusalem Church on Main Street regarding complaints about the extremely loud noise coming from the Church whenever events were held over the summer.

Mayor Kohut entertained a motion to authorize Mr. K's Window Cleaning Service to clean the windows at the Village Hall at a cost of \$240.00.

**RESOLUTION #230-2014**

Motion by: Francisco Batista

Seconded by: Rafael Bueno

Motion Carries: All

The Mayor reported that the Village Clerk has requested sending Isabel Gonzalez and Nellie Ariza to a Grammar & Proofreading Conference on December 3<sup>rd</sup> in Poughkeepsie at a cost of \$199.00 per employee.

Mayor Kohut entertained a motion to approve the above mentioned staff members' attendance at a conference as stated above.

RESOLUTION #231-2014

Motion by: Terence Watson, Jr.  
Seconded by: Francisco Batista  
Motion Carries: All

The Mayor reported a need to change the title of an existing position in the DPW and transfer Elizabeth Morris to the new title. The new title will be Telephone Operator Typist Spanish Speaking.

Mayor Kohut entertained a motion to make the title change effective October 15<sup>th</sup> as stated above.

RESOLUTION #232-2014

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

The Mayor reported that the annual service agreement for LOSAP (Length of Service Award Program) for the Haverstraw Fire Department is due for renewal. The fee for PENFLEX to perform the required administrative tasks is a base amount is \$3,100.00 with an estimated total of \$6,495.00.

Mayor Kohut entertained a motion to approve the renewal of the LOSAP agreement as stated above.

RESOLUTION #233-2014

Motion by: Francisco Batista  
Seconded by: Terence Watson, Jr.  
Motion Carries: All

The Mayor then requested the Village Clerk to schedule a meeting for PENFLEX to attend a Workshop with the Village Board to discuss investments, etc.

The Mayor reported that a Change Order Request has been received from Orange & Rockland to replace the service wire with a 200 Amp Bypass Meter at Emeline Park, which Tilcon, NY has been approved to do at a cost of \$1,835.00.

Mayor Kohut entertained a motion to that effect to approve the replacement of the service wire to the by-pass meter as stated above.

RESOLUTION #234-2014

Motion by: Terence Watson, Jr.  
Seconded by: Rafael Bueno  
Motion Carries: All

The Mayor reported that the Board has received a contract for auditing services for the years ending May 31<sup>st</sup>, 2014, 2015 and 2016 from Korn, Rosenbaum, Phillips & Jauntig (KRPJ) as follows:

Year 1	\$15,750.00
Year 2	\$16,250.00
Year 3	\$16,750.00

Mayor Kohut entertained a motion to approve the 3 year contract for annual auditing services as stated above.

RESOLUTION #235-2014

Motion by: Terence Watson, Jr.  
Seconded by: Francisco Batista  
Motion Carries: All

The Mayor has received a request from the Village Justice Court Clerk to apply for a NYS Unified Court System Grant to include \$16,000.00 for hand held devices for the Parking Enforcers and \$2,000.00 for shelving in the office.

Mayor Kohut entertained a motion to authorize the Justice Court to submit a grant application for funding as stated above.

RESOLUTION #236-2014

Motion by: Terence Watson, Jr.  
Seconded by: Francisco Batista  
Motion Carries: All

The Mayor reported that the Haverstraw Fire Department has received a grant through the efforts of Senator Kenneth Zebrowski, in the amount of \$30,000.00 for communication system equipment to upgrade the dispatch communication paging and pager system, which has been necessitated by the new Rockland County Fire Radio System.

The Mayor then announced that the New Main Street railroad crossing will be closed the week of October 20<sup>th</sup> for repairs to the crossing including the dip in the road which has been a hazard for many vehicles.

The Mayor requested the Village Clerk to schedule a Workshop Meeting with Steve Rappaport to discuss having cameras installed at the ball field and to revise the camera system at the Community Center due to some vandalizing incidents.

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 September, 2014, submitted by Fire Chief Al Lynch:

Total Alarms	-	22
General Alarms	-	13
Special Calls	-	5
Mutual Aid Calls	-	4
Structure Fires	-	0
Cooking Fires	-	1
Vehicle Fires	-	1
Brush/Mulch Fires	-	3
Gas Leaks	-	3
Assist EMS	-	1
Good Intent/Misc.	-	5
False Alarms	-	4
Total Manpower Responding	-	335 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 October 20<sup>th</sup>, 2014:

- 1) Trimmed trees at Emeline Park.
- 2) Got Emeline Park ready for the Arts Festival and worked on Saturday, September 20<sup>th</sup>, to help set up and clean up following the festival.
- 3) Black topped and patched Clove Avenue, Sharp Street and Hudson Avenue alleyways.
- 4) Installed cannon and decorations at Jay Hood, Sr. Memorial at Emeline Park.
- 5) Patched settling trenches on both New Main and Main Streets.
- 6) Enviro Waste was called in to clean out oil/water separator and 4 basins in the DPW garage, with 2 laborers assisting.
- 7) Repaired damaged fence at Emeline Park.
- 8) Installed 2 “No Parking” signs at the end of Clove Avenue.
- 9) Painted the “Rec” room at the Community Center.

Trustee Watson had nothing further to report.

At this time, the Mayor reported that a car carrier attempting to turn around pulled up 60 feet of guardrail heading up Allison Avenue, which was strewn across Main Street blocking traffic. He informed the public that temporary cones have been set up in the area until the problem resolved.

The Mayor reported that the Arts Festival was a success in many ways, however, it was not as well attended as the organizers would have liked. He thanked the Committee for the work they put into the festival.

The Mayor reported that the annual sidewalk and streets program has begun. He explained that there is a new policy in place whereas any money received from the NYSDOT for repaving streets with adjacent sidewalks must be made handicapped accessible. He reported that Leonard Street, a portion of Tor Avenue and a portion of Clove Avenue are being paved and adjustments will be made to the adjacent sidewalks for handicap accessibility. He also reported that a portion of Tor Avenue and a portion of Maple Avenue will have new sidewalks installed, as well as a portion of Second Street.

**YOUTH & FAMILY SERVICES - Trustee Francisco Batista:** Trustee Batista gave the following report of activities at the Community Center for the period of September 12<sup>th</sup>, through October 1<sup>st</sup>, 2014:

- 1) The Haverstraw Collaborative met on October 1<sup>st</sup> with a total of 40 participants.
- 2) The Spanish Speaking Parents Group met on October 1<sup>st</sup>.
- 3) The Monthly Youth Celebration was held on September 24<sup>th</sup> to celebrate the “Caught Being Good” program.
- 4) A Seniors Breakfast will be held on October 17<sup>th</sup> from 10:00 to 11:30 AM.

Trustee Batista then asked the Village Clerk to request the Village Civil Service List from the County for Receptionist/Typist Spanish Speaking.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #237-2014

Motion by: Francisco Batista

Seconded by: Terence Watson, Jr.

Motion Carries: All

Trustee Batista had nothing further to report.

**BUILDINGS & CODE ENFORCEMENT - Trustee Emily Dominguez:** Due to the absence of Trustee Dominguez no report was given.

Mayor Kohut:

**OLD BUSINESS**

Francisco Batista: Trustee Batista spoke about a tribute for former Trustee Angelo Cintron.

Mayor Kohut:

**NEW BUSINESS**

Mayor Kohut:

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

Noel Rappaport: Mr. Rappaport requested an update on the Streetscape Project.

Mayor Kohut: The Mayor responded that the Village is finalizing everything with the State. He also mentioned that the Village has signed agreements with Orange & Rockland for the poles to be moved with the project going out to bid over the winter for spring construction. He also mentioned that there are fire hydrant adjustments that have to be made as well, which has been worked out between the Fire Department and the Engineers.

Mel Post: Mr. Post requested the status of the proposed buildings on Maple Avenue.

Mayor Kohut: The Mayor reported that the Board has a Workshop scheduled with the new owners, the Village Board and the Planning Board on Monday, October 27<sup>th</sup> at 7:00 PM in the Building Department meeting room. The Mayor mentioned that it will be open to the public, however, it is not a Public Hearing and therefore there will be no comments, questions, etc. allowed from the public.

Mel Post: Mr. Post then inquired if there are 2 suits pending.

Mayor Kohut: The Mayor responded that the 2<sup>nd</sup> suit is the garage that has previously been discussed, which is also in litigation at this time. On Site A there was one law suit with AAA Electric.

Mel Post: Mr. Post then stated that perhaps one suit can set a precedent for the other.

Mayor Kohut: The Mayor explained that it is two different suits, 2 Dr. Girling Drive being a commercial to commercial and the other being a completely new development of a commercial property, AAA Electric, into a residential property.

Mel Post: Mr. Post then requested clarification of who is responsible for payment of the \$6.5M to AAA Electricians.

Mayor Kohut: The Mayor informed Mr. Post that the Village is legally responsible for the property because it was the owner of the property. Mr. Ginsburg, through the Land Acquisition & Disposition Agreement, is contractually obligated to make the Village whole for all costs associated with the condemnation.

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 #238-2014

Motion by: Francisco Batista

Seconded by: Terence Watson, Jr.

Motion Carries: All

Respectfully submitted by,

Beverly A. Swift, Senior Steno Clerk