

The minutes of the Tax Grievance and Regular Board Meeting of the Village of Haverstraw Board of Trustees on Tuesday, February 15, 2011, beginning at 5:00 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 Tax Grievance session with the Village Board and Village Assessor Edye McCarthy, inviting anyone with a grievance to come forward and speak.

Richard Derevensky, 82-86 Route 9W: Mr. Derevensky was representing the owner of this property, Malsori Realty, which is now in foreclosure. He has spoken with the assessor about lowering the tax on this property because the rents now being collected are barely enough to pay the taxes and being forced to make several repairs to the property has created a financial burden on the company. Alan Bruschel, one of the original owners, attempted to sell the property, but then the market plunged.

Mayor Kohut: The Mayor asked if Mr. Derevensky had any comparable property assessments to show the board, asking if he looked into the assessments of any properties in the surrounding area.

Richard Derevensky: Mr. Derevensky has looked, however, found no comparables in the area.

Edye McCarthy, Village Assessor: Ms. McCarthy asked how long Malsori Realty has had the mortgage on the property.

Richard Derevensky: Mr. Derevensky believes Malsori has had the mortgage for approximately two years. He also mentioned that he was only able to start collecting any money this past January, therefore, there is no real income, especially if anyone does not pay their rent.

Miron Kvocka, 45 Leonard Street: Mr. Kvocka explained that he resides in a semi-attached home, which was built in 1986 and he and his neighbor are the original owners. He mentioned that the taxes were the same on both properties in the beginning, but in 2002 the adjoining property was extended about 40%, from 1600 feet to 2200 feet. In 2010 when he went to pay his taxes, he found that the taxes on the adjoining property had decreased by 44.5%, while his increased. He tried to speak with the assessor at that time, but was told that the assessor was not available. He paid the taxes and later met with Ms. McCarthy to find out why his neighbors taxes had decreased and his had not. He stated that his house is the same exact building structure as his neighbors. He was, therefore, filing a grievance for a similar reduction on his taxes. He also mentioned that the taxes on the homes across from him were also reduced that year.

Mayor Kohut: The Mayor explained that they do not make any decisions at this meeting, stating that the Board will look into the matter and discuss it

with the assessor and will get back to him with a decision by April 1st. He explained that a total reassessment of the entire village has not been done so the board will only revalue property when an owner approaches the board to review their tax situation, explaining that there is never a blanket adjustment done for an entire street.

Rafael Kalexstein, 85 New Main Street: Mr. Kalexstein was representing Hudson Heights Association. He explained that they have lost their main tenant creating a financial burden on the company. All their taxes have gone up and they are having a hard time renting the property. He has looked at similar types of properties in the village that were assessed less. He presented the board and Ms. McCarthy with documents, including the Town tax information.

Mayor Kohut: The Mayor inquired how much of a reduction they are looking for.

Rafael Kalexstein: Mr. Kalexstein stated they would like their assessment reduced from \$33,000.00 to \$23,000.00.

Mayor Kohut: The Mayor informed Mr. Kalexstein that they will discuss the matter with Ms. McCarthy and they will have a decision by April 1st.

With no further grievances before the board, the Mayor opened the Regular Board Meeting at 8:17 PM with the first Public Participation segment inviting the public to ask questions or make comments.

ROLL CALL	Trustee Batista	- Present
	Trustee Bueno	- Present
	Trustee Watson	- Present
	Trustee Dominguez	- Present
	Mayor Kohut	- Present

With no comments from the public, the Mayor opened the first Public Hearing requesting Jay Hood, Jr., Village Attorney to discuss the laws the Village wishes to adopt.

Jay Hood, Jr., Esq.: Counselor Hood presented the first proposed law regarding procedures for village restaurants who want to offer outdoor dining to their customers, stating that there is currently no law on the books for this purpose. He explained that this law is to take control of sidewalk dining in the Village. It would require any restaurant wanting outdoor seating to come to the Village Hall to obtain a permit. Although there will be no fee for the permit, they would have to meet all the requirements for outdoor seating, including insurance, size of tables, etc. He also mentioned that the permit would have to be renewed annually.

Emily Dominguez: Trustee Dominguez asked about special occasions that take place in the Village, such as the International Food Walk, and whether or not that law would apply to those types of occasions where restaurants would want to put out sidewalk tables.

Jay Hood, Jr., Esq.: Counselor Hood explained that they would be considered special occasions and the rules would be waived for those days.

Francisco Batista: Trustee Batista inquired if they are allowed to serve liquor outside the restaurants.

Emily Dominguez: Trustee Dominguez explained that any restaurant wanting to serve liquor outside their premises would be required to obtain a Special Permit from the Liquor Authority.

Mayor Kohut: In answer to several questions asked by the board, the Mayor read a portion of the drafted law as follows:

“Outdoor dining in the form of a sidewalk cafe may be permitted by special permit of the Building Inspector, provided that such use is incidental to and in conjunction with an established permitted restaurant, drinking establishment, or delicatessen as permitted in the commercial districts. Outdoor cabarets, outdoor dining in conjunction with a cabaret and outdoor dining in conjunction with drive-in-type restaurants is specifically prohibited.”

Terrence Watson: Trustee Watson asked about fast food restaurants wanting to put tables outside.

Jay Hood, Jr., Esq.: Counselor Hood responded that they would have to obtain a special variance for that purpose.

Terrence Watson: Trustee Watson then inquired about dancehall restaurants.

Mayor Kohut: The Mayor stated that they would be considered a cabaret and would not be allowed outside seating. All restaurants would have to clear the sidewalks by 1:00 AM.

Jay Hood, Jr., Esq.: Counselor Hood feels that the board should take into consideration residential units located above the restaurants before setting a time for outside dining.

Francisco Batista: Trustee Batista does not feel there are that many restaurants wanting to put tables outside.

Rafael Bueno: Trustee Bueno believes that tables on the sidewalks will block the way for pedestrian traffic.

Mayor Kohut: The Mayor explained that the tables would have to be small enough for people to get around them without having to walk on the street.

Emily Dominguez: Trustee Dominguez inquired if an establishment like Mariella's will be able to continue having tables outside, mentioning that different restaurant locations in the village have different sidewalk dimensions. She feels that any restaurants with smaller sidewalks, if allowed to have outside tables, would force people into the street to get around them.

Mayor Kohut: The Mayor reiterated that this law would give the Village Board control over who can and can't be allowed, for whatever reason, to have outside tables. The board then discussed the size of the tables.

Emily Dominguez: Trustee Dominguez believes the board should set a seasonal time frame for outside dining as well; possibly April through October.

Jay Hood, Jr., Esq.: Counselor Hood stated that there is no provision in the draft for seasonal time frames, mentioning that Nyack does not have any provision in their law for that purpose.

Mayor Kohut: The Mayor does not feel that a seasonal time frame should be a part of the law because there are days that would be weather appropriate for outside tables throughout the year.

Rafael Bueno: Trustee Bueno wanted to know when it would be appropriate to revoke the permit, especially if drinking is involved.

Jay Hood, Jr., Esq.: Counselor Hood believes that the Board needs to establish perimeters as to why a permit can be revoked, such as a police complaint, etc. A discussion followed.

Emily Dominguez: Trustee Dominguez then spoke about the Quality of Life issue for any tenants or neighbors that live in the area.

Mayor Kohut: The Mayor again mentioned that there are penalties involved, including fines, if the restaurant does not abide by the law.

Emily Dominguez: Trustee Dominguez also suggested that the law limit the number of tables that would be allowed.

Mayor Kohut: The Mayor responded that would be a part of the Building Department Permit, because a restaurant would only be allowed the number of tables that would fit directly in front of their establishment. The Mayor then mentioned that from what he has read there cannot be more than a total of six (6) people sitting at outside tables after midnight and no tables at all are allowed on the sidewalks after 1:00 AM.

Terrence Watson: Trustee Watson suggested that the Board discuss this further at a workshop.

Mayor Kohut: The Mayor informed the Board that they can close the Public Hearing and still make changes to the law.

Jay Hood, Jr., Esq.: Counselor Hood would revise the law to read as follows:

“that the permit can be revoked if the Board receives three police reports of noise or disorderly conduct”.

Mayor Kohut: The Mayor requested Counselor Hood to make the necessary changes to the draft for discussion at the next workshop.

Mayor Kohut entertained a motion to close the Public Hearing.

RESOLUTION #54-2011

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

Mayor Kohut: The Mayor then opened the second Public Hearing, requesting Counselor Hood to discuss the law.

Jay Hood, Jr., Esq.: Counselor Hood presented the amendment to the dog law, concerning dogs that are allowed outside the home on unfenced property. This law will be changed to state that a dog owner's property must be fenced in for a dog to be allowed outside the house, to prevent the dog from getting into other yards or wandering on the streets. Also added, if someone makes a complaint, take a picture to go along with the complaint so the Dog Warden will be able to use the picture as evidence. As it stands now, the Dog Warden has to see the wrongdoing for himself before he can do anything.

Emily Dominguez: Trustee Dominguez mentioned that some dog owners might not be able to afford putting up a fence around their property.

Mayor Kohut: The Mayor stated that the dog can be tied up or even have an electric fence, but cannot be allowed to run loose.

Mayor Kohut entertained a motion to close the Public Hearing.

RESOLUTION #55-2011

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

Mayor Kohut entertained a motion to pass the revised Dog Law.

RESOLUTION #56-2011

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

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: Counselor Hood had nothing further to report.

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

MAYOR'S REPORT, Mayor Kohut: The Mayor has scheduled the continuation of the meeting for the Simenovsky group home for March 7th at 8:05 PM. The Village Clerk will notify the property owners. He has spoken to the owner of the group home property who will not be able to attend the

meeting; however, the Mayor has the owner's e-mail address if anyone wants to communicate with him. He has already sent the owner a list of questions he wants answered.

The Mayor then mentioned to Counselor Hood that the Village needs to establish a new Procurement Policy, stating the current policy is out of date as far as items going out to bid and for the list of people authorized to make purchases to be changed on an annual basis.

The Mayor received a contract from ADT for installation of five (5) new street surveillance cameras for a total cost of \$98,359.95, with an annual maintenance fee, after the first year, of \$4,757.43. The contract is for five (5) years. ADT is a state bid contractor, therefore, the Village is not required to obtain multiple bids on this project.

Mayor Kohut entertained a motion for authorization to sign the agreement with ADT.

RESOLUTION #57-2011

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

The Mayor then asked for authorization to sign a contract with Cintas for cleaning and replacing of the floor mats at a total of \$889.20 per year for a total of two (2) years.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #58-2011

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

The Mayor received notification from Union Restaurant that they will be hosting their 3rd Annual "We Care" Event, serving free food to the public and will be closed for business from February 28th through March 2nd, with food being served to the public from 4:30 to 8:00 PM on those days. In order to make the event run smoothly, they requested use of village barricades for crowd control and hanging a banner over the entrance to New Main Street beginning on Friday.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #59-2011

Motion by: Rafael Bueno
Seconded by: Terrence Watson
Abstain: Emily Dominguez
Motion Passes

The Mayor had nothing further to report.

Mayor Kohut:
REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – **Trustee Rafael Bueno:** Trustee Bueno commended the fire department for a job well done at the recent fire on Maple Avenue. He then presented the Board with an application from Jorge Liz of 1 Broad Street in the Village for acceptance into Lady Warren Hose Co. #5. The application has been fully completed and duly notarized.

Mayor Kohut entertained a motion to approve the membership of Jorge Liz.

RESOLUTION #60-2011

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

Trustee Bueno had nothing further to report.

PUBLIC WORKS, BUILDINGS & GROUNDS – **Trustee Terence Watson:** Trustee Watson stated that DPW is continuing to remove snow from village streets and parking lots. He had nothing further to report.

Mayor Kohut: The Mayor mentioned that the DPW had to start dumping snow in the parking lot at Emeline Park because the trucks were having difficulty maneuvering in the other locations. He stated that the snow had to be removed because some streets are so narrow to begin with that with the addition of the snow the fire trucks were having difficulty maneuvering and were actually forced onto sidewalks in some areas.

YOUTH & FAMILY SERVICES - **Trustee Emily Dominguez:** Trustee Dominguez stated that the center is preparing for Unity in the Community, which begins Tuesday, February 22nd. She 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 February 7th through February 14th:

Rental property inspections	-	16
Municipal searches	-	0
Miscellaneous inspections	-	42
Construction inspections	-	0
Complaints	-	4
Violations & tickets	-	72
Permits	-	0

Trustee Batista had nothing further to report.

MINUTES:

Mayor Kohut requested approval of the minutes from the Regular Board Meetings of January 3rd and January 10th.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #61-2011

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

Mayor Kohut:
OLD BUSINESS
None.

Mayor Kohut:
NEW BUSINESS
None.

Mayor Kohut:
2nd PUBLIC PARTICIPATION
No comments from the floor.

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 #62-2011

Motion by: Terrence Watson
Seconded by: Rafael Bueno
Motion Carries: All

Respectfully submitted by,

Beverly A. Swift
Senior Steno Clerk
February 17, 2011