

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, March 7, 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 an award presentation to the North Rockland Midget Football Cheerleaders for all their achievements throughout the year up to and including winning the 1st Place title at the 2010 Eastern Regional Championship competition. He also presented awards to the North Rockland Junior Midget Football Cheerleaders for all their accomplishments throughout the year including winning 2nd Place in their category at the 2010 Eastern Regional Championship competition. He then read the names of all the girls from both cheer squads and again mentioned how very proud the community is of all the girls for their hard work, dedication and time put in to reach their goals. The Mayor and board congratulated all the girls for their exemplary performance and their accomplishments throughout the year, which has earned them the utmost respect and admiration of their community. He thanked the girls, the coaches and the support staff for attending the meeting and wished them all luck and happiness in all their future endeavors.

Mayor Kohut: The Mayor then continued the Public Hearing from a previous meeting with regard to the proposed modification of a group home located at 15 Simenovsky Drive. He explained that the group home previously housed troubled young men, but since the organization is no longer servicing that population, New York Foundling is seeking a change in population to mentally disabled adult males. Since the applicant originally appeared before the board in January, they have provided the village with a proposed staffing schedule for the home, a list of other group homes they operate within Rockland County and the landlord's information. The Mayor has checked the references of the other group homes with the Town of Clarkstown and has found the homes are satisfactorily managed. The board has reviewed the staffing schedule and the Mayor has been in contact with the property owner, Richard Bologna. Mr. Bologna answered several questions for the Mayor, however, declined to appear at the meeting. He informed the Mayor that he has no intention of selling the property and intends to continue renting it to New York Foundling. Mr. Bologna also informed the Mayor that he visits the home twice a year to check on things.

The Mayor mentioned that in the interim, there was a Public Information Meeting held regarding fair housing. Ram Nagabundi of the Rockland County Human Rights Department was not available for the Public Information Meeting, for that reason Joe Abate, Director of the Rockland County Community Development Department stood in and did a presentation on what fair housing means in Rockland County and nationally.

Mr. Nagabundi was in attendance at this Board Meeting; therefore, the Mayor requested he briefly explain to the public how fair housing operates.

Ram Nagabundi: Mr. Nagabundi mentioned that towns and villages have a right to draft and enforce zoning ordinances regarding fair housing and that the Fair Housing Act does not pre-empt the authority of a village or town. He stated that the village can draft zoning laws to maintain the character of the community and to preserve open spaces, however, zoning regulations cannot be created based on fears of a neighborhood over their property values decreasing, safety issues, etc. The village

also cannot create stricter enforcement rules for a group home than it does for any other home in the village, again stressing that the village cannot act on the neighbor's fears.

Mr. Nagabundi discussed the following items, which are the most common concerns of the public:

- 1) Unrelated people – There is no limit on the number of related people in a household; for unrelated people it could be 3, 4 or 5. If there is a village ordinance stating that no more than 5 unrelated people can live in a group home and there are more than 5 being placed, the Village has to accommodate the group home. They cannot say no.
- 2) Special Permit – There have been cases where a community will require a Special Permit for a group home, however, that is a violation of the Fair Housing Act. The Village or Town can ask for basic information, but nothing that would not be required of any other household. The Village is also not allowed to require a group home to register with them unless every household has the same requirement.
- 3) Public Notice of a Group Home – According to the County Ordinance, the Village cannot require a group home to give written notice to the neighbors.
- 4) Number of Group Homes Allowed – A village cannot limit the number of group homes allowed and also cannot ask a group home to relocate to another location or they will be in violation of the Fair Housing Act.
- 5) Distance Between Group Homes – Forcing group homes to be at least 1,000 feet apart is another violation of the Fair Housing Act. The village also cannot put a property footage requirement on a group home and accommodations must be provided for persons with disabilities.
- 6) Health & Safety Issues – Unless there is real proof of health or safety issues, the Village would again be in violation of the Fair Housing Act. As an example, he used the parking situation in the location of a group home stating that anyone complaining that parking is an issue would be required to have studies done to prove that there would be an issue with parking, or the village would again be in violation of the Fair Housing Act.
- 7) Staffing – For a village to require 24 hour staffing would also be a violation of the Fair Housing Act. If the actions of a village or town have a discriminating effect, they would be liable.
- 8) Any action taken based on the feelings of the public or the board would be a violation of the Fair Housing Act, which can be very costly to a village or township in the form of lawsuits for violating the civil rights of the disabled. The Village cannot differentiate between a group home and a single family residence.

Mayor Kohut: The Mayor asked what the difference is between a group home and someone who just boards people.

Ram Nagabundi: Mr. Nagabundi explained that a group home is a home for people with disabilities. A boarding house houses any member of the public and the village can create rules regarding that type of housing.

Mayor Kohut: The Mayor asked if the NYS Building Code requires a group home to have so many square feet per resident.

Ram Nagabundi: Mr. Nagabundi responded that there are no specific rules about the number of people in a bedroom, however, the law states that there must be a minimum of 200 square feet of bedroom space.

Francisco Batista: Trustee Batista inquired if a disabled person in a group home is entitled to his/her own room or if they have to share space.

Ram Nagabundi: Mr. Nagabundi stated that occupancy per room depends on the square footage of the room.

Noel Rappaport: Mr. Rappaport inquired if they have to follow NYS Fire & Safety Codes.

Ram Nagabundi: Mr. Nagabundi responded "Yes"

Noel Rappaport: Mr. Rappaport then inquired if there are any group homes in New Square or Keiser.

Ram Nagabundi: Mr. Nagabundi did not know the answer to that question.

William Whittington, 2 Simenovsky Drive: Mr. Whittington believes that a group home is more like a business than a private family home. He feels the two are completely separate. He inquired if anyone spoke with the neighbors of the group homes in the Clarkstown area.

Mayor Kohut: The Mayor responded he spoke with the Building Inspector to see if there were any outstanding issues, and there were none.

Pete Gonzalez, 1 Simenovsky Drive: Mr. Gonzalez questioned why the group home cannot be asked to move to a different location.

Ram Nagabundi: Mr. Nagabundi stated that they cannot be forced to move to a different location, but that the village can offer the agency incentives to make a move, such as a building with more space or lower rent, etc. Forcing the group home to move would be a violation of the Fair Housing Law.

Emily Dominguez: Trustee Dominguez asked if there would be a lawsuit if the board offered an incentive to the agency.

Ram Nagabundi: Mr. Nagabundi stated if the agency agrees to take the incentive he believes a lawsuit would not be involved, however, he advised the board to check further with their lawyers on that matter.

Olga Gonzalez, 1 Simenovsky Drive: She wanted to know if it is a done deal because there is already someone in the house, which there has not been since the boys left.

Mayor Kohut: The Mayor explained that NY Foundling are the tenants and have been there for many years, therefore, have every right to be in the house.

Jay Hood, Jr., Esq.: Counselor Hood explained that they are probably trying to get the house ready because they know the rules and the village is not in a position to say no. He understands that people are not happy with that, however, the village cannot afford a lawsuit of \$500,000.00 or more, adding they could also find themselves in a situation where they will lose the \$500,000.00 and the agency still moves ahead with the group home.

Olga Gonzalez: Ms. Gonzalez asked if the group home will require 24 hour staffing because Mr. Nagabundi stated that would be a violation. She feels that residents who are developmentally disabled would require 24 hour care.

Ram Nagabundi: Mr. Nagabundi stated that they may very well have 24 hour staffing, but it cannot be a requirement without violating NYS laws. He also added that Ms. Gonzalez cannot make a statement saying they need 24 hour care; only the agency and the county can make that decision. 24 hour staffing cannot be used as a condition to allow the group home.

Pete Rugg, 64 Hudson Avenue: Mr. Rugg inquired if Mr. Nagabundi spoke about saturation in a community. He feels since the closing of Letchworth Village that all those people have been placed in group homes in lower income communities. He wanted to know when that will end.

Ram Nagabundi: Mr. Nagabundi stated he could only speak about the Fair Housing Act and how not allowing the homes, no matter how many, would be a violation of this act.

Ms. Thompson: She wanted to know what New York Foundling had to do with Letchworth Village. She was under the impression the NY Foundling was strictly for children up to age 18.

Patricia Hackler, New York Foundling Representative: Ms. Hackler explained that NY Foundling is not a part of Letchworth, but is a separate non-profit agency providing services to children, from infants to age 21 and, for the past 30 years, NY Foundling has also been providing services for adults. She explained that once a person is placed in a home they are there permanently and are not moved from place to place. NY Foundling has adult group homes in the Bronx, Westchester and Rockland. The state and the family make the decision as to where the adult will be placed.

Terrence Watson: Trustee Watson inquired about the age level in each group home.

Patricia Hackler: Ms. Hackler stated that they try to keep age groups together depending on their functioning level, however, if the person is blind or wheelchair bound and a 1 floor home is available, they would all be placed there for functionality reasons. They always try to keep people with the same degree of disability together.

Mayor Kohut: The Mayor discussed the staffing issue, as was described in the documents submitted, which stated 2 to 4 people would be on site. The other concern was the parking situation, to which the documentation submitted stated there was sufficient parking on site for the number of staff.

Patricia Hackler: Ms. Hackler believes the length of the driveway should accommodate all vehicles for the house and staff. She informed everyone that 2 times a year auditors, along with directors, visit the homes and may all come in separate vehicles and may park on the street, but they are only there for a limited period of time.

Mayor Kohut: The Mayor also had a concern about smoking. He is aware that smoking is not allowed in the house, however, employees could be off property polluting the streets and neighborhoods. He wanted to know how they would address that situation.

Patricia Hackler: Ms. Hackler responded that they have an assigned area on the property where they will be allowed to smoke. There are cigarette containers on the property and smoking is only allowed in that area, which is a designated number of feet from the house itself.

Ms. Thompson, Simenovskiy Drive: She wanted to know how it is that mentally challenged people are not required by law to have someone with them in the house 24 hours a day.

Ram Nagabundi: Mr. Nagabundi responded that a village or town cannot use that as a reason to deny a group home.

Ms. Thompson: She feels this cannot be considered a private residence, because it is a business within a private residence. She also inquired how many group homes would be allowed on one street.

Ram Nagabundi: Mr. Nagabundi responded again that according to the law a group home must be treated as a private residence, also explaining that if 2 homes are available on the same street and the owner sells or rents to an agency that both homes would be allowed according to the law.

Ms. Thompson: She feels that there are definitely parking issues in the area because cars are currently parking on the street and she is afraid an emergency vehicle would not be able to get into the street.

Mayor Kohut: The Mayor responded that the current issues have nothing to do with the group home. He then requested Mr. Melendez to speak about the group home.

Lorenzo Melendez: Mr. Melendez explained that there will be a completely different staff at the home for the adult males. He also stated there are five spots in the driveway and the only time anyone from the group home may be parked on the street would be during the staff shift change when cars may be parked in the street until the vehicles are moved out of the driveway. He will inform the staff that once vehicles are moved out of the driveway, the cars parked on the street must be moved to the driveway.

Mayor Kohut: The Mayor thanked Mr. Nagabundi for attending this meeting.

Ms. Thompson: She spoke about people from Green Hills being allowed to roam around the community and wanted to know what is going to happen with this group home.

Mayor Kohut: The Mayor stated that Green Hills is basically a residence home and is not considered a group home and it does not have any kind of restricted environment. He mentioned that the operators of the home cannot prohibit their residents from going out into the community. The Village has had an ongoing problem with that situation, however, they can speak to the owners now and if there is a problem with a resident they can be relocated. With regard to the residents of the group home, they are people like everyone else, however, if there ever is a problem the board can speak with Ms. Hackler or Mr. Melendez to address the problem. He feels this adult group home will be much better than the boy's home that was there previously.

Terrence Watson: Trustee Watson also mentioned that there is a Quality of Life Board that any problems can be taken to and hopefully solved to benefit everyone involved.

Mayor Kohut: The Mayor entertained a motion to close the Public Hearing.

RESOLUTION #63-2011

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

Mayor Kohut: The Mayor then entertained a motion to approve the application.

RESOLUTION #64-2011

Motion by: Terrence Watson
Seconded by: Francisco Batista
Motion carries: All

Mayor Kohut: The Mayor announced to the public that based on all the facts that were presented at this meeting the board has approved the application of NY Foundling to proceed with the conversion of the group home to house 1 to 6 developmentally disabled adult males.

The Mayor then continued with the regular agenda opening the floor for the first Public Participation inviting the public to ask questions or make comments.

Noel Rappaport: Mr. Rappaport wanted to express how happy he is with the new drainage system the Village installed.

Mayor Kohut: With no further comments or questions the Mayor moved on with the agenda.

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

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

VILLAGE TREASURER, Judith Curcio: In the absence of Ms. Curcio, Damaris Torres, Deputy Village Treasurer, attended the meeting and stated there was no report from the Treasurer's Office.

MAYOR'S REPORT, Mayor Kohut: The Mayor discussed the Village insurance policy, which is due for renewal. He mentioned that there was an increase in the fee because of the new fire truck, fees being increased on the other fire apparatus, along with additional property coverage in each of the Village buildings. He entertained a motion to approve the renewal of the Village insurance policy, thru Safe Harbour, with the Traveler's Insurance Company, at a renewal price of \$152,042.00.

RESOLUTION #65-2011

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

The Mayor announced that the family of Walter Zayas, a long time resident of the Village who passed away 2 years ago, will donate and dedicate a tree and plaque in his memory at Emeline Park on May 21st.

The Mayor received a request from U'SAGAIN, a company wishing to place clothing bins by the Community Center for people to deposit used clothing. The Village would receive \$50.00 per month for up to 2 bins.

Mayor Kohut entertained a motion to authorize U'SAGAIN to install 2 clothing bins by the Community Center.

RESOLUTION #66-2011

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

The Mayor received a request from the Haverstraw Brick Museum to use the same space as the Farmer's Market, in front of the Village Hall on Maple Avenue, on Saturday, October 8th, with a rain date of October 15th, to hold the Annual Haverstraw Brick Museum Antique Sale. This event previously was held in the Hood Law Firm Parking Lot but they now wish to relocate into the Village.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #67-2011

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

With the purchase of the new aerial ladder truck, the Mayor mentioned that the Village needs to dispose of the old aerial truck. After considerations and getting an estimate of the value of the truck, the board has decided to sell the truck to Haverstraw Transit to marry it with the 1936 Pirsch Arial that they already own. This will keep it in the Village for possible use in parades, etc. The asking price is \$5,000.00.

Mayor Kohut entertained a motion to sell the apparatus to Haverstraw Transit at a cost of \$5,000.00.

RESOLUTION #68-2011

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

The Mayor announced that the first budget hearing will be scheduled for Monday, April 4th at 8:05 PM.

Mayor Kohut entertained a motion to schedule the hearing as stated above.

RESOLUTION #69-2011

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

The Mayor announced that Henry Gruffi, the acting Village Justice, has decided to retire. He will be replaced by Luis Torres, a village resident and attorney.

Mayor Kohut entertained a motion to appoint Mr. Torres as Acting Village Justice, at an annual salary of \$14,000.00.

RESOLUTION #70-2011

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

The Mayor then stated that the Village will be honoring Judge Gruffi at the April 4th meeting.

The Department of Environmental Conservation has notified the Village that they have to undergo an MS4 audit, which is a municipal storm water audit. The Village, therefore, needs to retain the services of its engineering firm to prepare for and attend the audit and to do further mapping of the Village storm water system. The fee for this service is \$5,000.00 for the audit and \$2,500.00 to prepare drainage area water mapping.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #71-2011

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

The Mayor announced that the Department of Environmental Conservation will be at the Village Hall for a Public Meeting regarding the manufactured gas plant remediation. Orange & Rockland has to continue its remediation process, therefore,

for anyone interested in attending, the meeting will be Tuesday, March 8th at 7:00 PM.

The Mayor then recognized the longest standing Planning Board member, Joseph Natale, for his 30 years on the Planning Board and for his recertification by the Rockland County Municipal Planning Federation. The Mayor thanked him on behalf of the Board for his continued efforts on behalf of the Village.

The Mayor requested authorization from the Board to sign a Retainer Agreement with Ed Ross of Rosenberg, Calica & Birney, who are expert in cell tower laws and applications, at a rate of \$275.00 per hour, to be paid by the applicant.

Mayor Kohut entertained a motion to sign the Retainer Agreement.

RESOLUTION #72-2011

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion carries: All

The Mayor had nothing further to report.

Mayor Kohut:

REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – **Trustee Rafael Bueno:** Trustee Bueno had nothing to report. The Mayor thanked the fire department for their response to all the calls for help over the past 24 hour rain storm, mentioning there was even an alarm at the Village Hall.

PUBLIC WORKS, BUILDINGS & GROUNDS – **Trustee Terence Watson:** Trustee Watson read the following report submitted by George White, Superintendent of Public Works as of March 7th, as follows:

- 1) Removed over 500 tons of snow over the last 3 weeks and continue to remove the remaining snow from the streets.
- 2) Repaired the catch basin at the corner of New Main Street and Maple Avenue.
- 3) Hung banner for the Union Restaurant.
- 4) Cleaned up and repaired all public garbage cans.
- 5) Fixed various signs throughout the Village that were damaged due to the snow.
- 6) Continue maintenance on snow plows and trucks.
- 7) Picked up yard waste, construction debris and white goods.

During the January snow storm one of the driver's hit a parked car with the plow in front of 88 West Street. The driver stopped at the location to check the damages. The car was hit on the right rear passenger side. The DPW has received 3 estimates with the lowest being \$743.89 from J&E Auto Body.

Mayor Kohut entertained a motion to approve repair of the damages as stated above.

RESOLUTION #73-2011

Motion by: Terrence Watson

Seconded by: Rafael Bueno

Motion Carries: All

Trustee Watson had nothing further to report.

YOUTH & FAMILY SERVICES - Trustee Emily Dominguez: Trustee Dominguez requested approval to submit the following grants:

- 1) SAMSA, the Drug Free Community Grant, to be funded for the years 6 through 10, in the amount of \$500,000.00 to continue the work of the current DFC grant, which expires at the end of September, 2011. She stated Tonya Soto is funded through this grant and heads the majority of the projects at the Community Center, including Unity in the Community, Caught Being Good, etc.

Mayor Kohut entertained a motion to reapply for the above stated grant.

RESOLUTION #74-2011

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

- 2) The Rockland Family Center is trying to submit an application to the United States Department of Justice - Office for Violence against Women for 2011 in partnership with the Village. The service is to advocate for and intervene with youth services in cases of domestic violence and sexual assault. The grant would provide a Spanish Speaking Social Worker on site at the Haverstraw Center and would also provide \$15,000.00 to the Haverstraw Center for participating in this grant.

Mayor Kohut entertained a motion to move forward with the applications for the above stated grant.

RESOLUTION #75-2011

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

Trustee Dominguez then mentioned that the Haverstraw Center hosted Unity in the Community 2 weeks prior and offered over 60 programs throughout the entire week, which were all very successful. She then thanked everyone who volunteered and donated to the success of the event. Trustee Dominguez had nothing further to report.

BUILDINGS & CODE ENFORCEMENT - Trustee Francisco Batista: Trustee Batista had nothing to report.

Mayor Kohut:
OLD BUSINESS
None.

Mayor Kohut:
NEW BUSINESS
None.

Mayor Kohut:
2nd PUBLIC PARTICIPATION

Noel Rappaport: Mr. Rappaport inquired whether or not the Village does a storm water check every year.

Mayor Kohut: The Mayor responded the Village pays a fee every year to Cornell Cooperative Extension, who has created a Storm Water Consortium, and who helps the Village with compliance issues. However, the State is doing random audits on villages at this point.

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn to Executive Session.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #76-2011

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

The Mayor then closed the meeting.

Respectfully submitted by,

Beverly A. Swift
Senior Steno Clerk
March 15, 2011