

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, June 20<sup>th</sup>, 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 the first Public Participation inviting the public to ask questions or make comments.

Larry Levine, 1414 Round Point Drive: Mr. Levine again questioned the Board with regard to refurbishing the DPW building adjacent to Harbors.

Terence Watson: Trustee Watson informed the public that the Village is in the process of seeking bids and hopes to have everything done by the end of this summer.

Larry Levine: Mr. Levine inquired if anything was done with regard to the lighting situation he spoke about at the previous meeting.

Robert Drexler, DPW Foreman: Mr. Drexler informed Mr. Levine that 3, 4-foot florescent lights are kept on inside the building and that the lights, both inside and out are kept on throughout the night for safety reasons. He also mentioned that there are surveillance cameras on the building that require proper lighting.

Larry Levine: Mr. Levine again asked if motion detector lighting could be installed on the buildings, which would save money and avoid any inconvenience to the residents of Harbors.

Robert Drexler: Mr. Drexler invited Mr. Levine to meet with him at the DPW building the next day to look into the lighting that is affecting the Harbors residents during the night.

Gil Musinger, 1416 Round Point Drive: Mr. Musinger first thanked the Mayor for making an appearance at a meeting last week that he could not attend, but he heard was very meaningful. He spoke again about the sidewalk situation he has brought before the Board on several occasions, mentioning an article he read in the Journal News titled "Measure Would Help Elderly Pedestrian Safety". He went on to read sections of the article mentioning that elderly pedestrians are more likely to be struck and killed trying to cross the streets in the Lower Hudson Valley. He also mentioned a section about the Tri-State Transportation Committee pushing for a bill in the State Senate, which would require communities to incorporate safety measures into new and reconstructed roads and intersections to make them more welcoming to pedestrians of all ages. He is concerned about the Route 9W crossing adding a lot more traffic from Dr. Girling Drive to West Street. He feels the Village needs to start acting now before there are any serious accidents.

Mayor Kohut: The Mayor stated that he spoke with one of the Village Engineers about the situation and she visited the area of concern. She stated that in order for the Village to install a regulation sidewalk it would require a complete realignment of the road. The Village DPW might be able to put in a limited substandard sidewalk, which would require the elimination of the landscaping in the area and they would also have to speak to Mr. Ginsberg the owner of the property. He informed everyone that the Village is still looking into what can be done in that area.

Terrence Watson: Trustee Watson explained that if the Village can do anything, landscaping would have to be taken away, a fence would need to be installed and the sidewalk would have to be handicapped accessible. He also mentioned that the DPW would have to install a four foot curb to make it work.

Jay Hood, Jr., Village Attorney: Counselor Hood is concerned about a four foot curb and a substandard sidewalk being installed, stating that if someone gets hurt there, it would be a huge liability to the Village. The Village, he feels, needs to further examine this situation in order to make the right decision for a sidewalk in this area.

Noel Rappaport, 31 New Main Street: Mr. Rappaport mentioned a telephone pole on Gurnee Avenue, leaning at a 35 degree angle, which he feels is a very dangerous situation because the phone lines are basically the only thing holding the pole up. He has spoken to Orange & Rockland who informed him it is the responsibility of the phone company.

Mayor Kohut: The Mayor asked if anyone had any connections to the phone company. He mentioned the phone lines throughout the Village are owned by Verizon, who don't always respond very quickly to any situation.

Ed Molina: He stated he could try to connect with someone about the pole, however, Verizon always has to respond on an occasion such as this to reattach all the wires. He stated that before anything can be done, Verizon has to be notified and arrangements made for reattaching the wires and hooking up any lost service.

Mayor Kohut: The Mayor mentioned that Verizon was part of the hold-up in completing the bridge because they came in at the latter part of their window to complete their installations, which caused a four month delay on the road completion.

Noel Rappaport: Mr. Rappaport mentioned a water main break in front of his store several years back, where all the utilities responded quickly except for Verizon, which left the people on the block without phone service, etc. and having to close their doors for several days.

Mayor Kohut: The Mayor stated that he will also contact the State representatives to assist in this matter. With no further comments from the floor, the Mayor requested Village Attorney, Jay Hood, Jr. to discuss the two Public Hearings.

Jay Hood, Jr., Esq.: Counselor Hood stated that the Building Department approached the Board about the problem they are having with abandoned cars being left in parking lots throughout the Village. The Board then

requested him to prepare a law to handle this issue. He introduced the following Local Law for approval:

“Proposed Abandoned Vehicle Law”

This Local Law rescinds Sections 227-87 A (1)-(3), Section 227-87 B (1) and Section 227-87 E, replaces them with new Sections 227-87 A (1)-(3), Section 227-87 B (1) and Section 227-87 E; also adds Section 227-87 A (4) as follows:

**ABANDONED VEHICLES (§ 227-87)**

**Removal, storage and sale of abandoned vehicles; fees; penalties.**

**A. Authority to impound vehicles.**

- 1) When any vehicle is parked or abandoned on any highway or public area within this Village during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the Village Department of Public Works or a private licensed tow truck operator upon direction of the Superintendent of the Department of Public Works, Village Building Inspector, or Police Officer.
- 2) When any vehicle is found unattended on any highway or public area within this Village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by the Village Department of Public Works or a private licensed tow truck operator upon direction of the Superintendent of the Department of Public Works, Village Building Inspector, or Police Officer.
- 3) When any vehicle is parked or abandoned on any highway within this Village where stopping, standing or parking is prohibited, said vehicle may be removed by the Village Department of Public Works or a private licensed tow truck operator upon direction of the Superintendent of the Department of Public Works, Village Building Inspector, or Police Officer.
- 4) When any vehicle is found on any highway or public area within this Village which has not moved for at least Ninety-Six (96) Hours it may be deemed abandoned and may be removed by the Village Department of Public Works or a private licensed tow truck operator upon direction of the Superintendent of the Department of Public Works, Village Building Inspector, or Police Officer.

**B. Storage and charges.**

After removal of any vehicle, as provided in this section, such vehicle will be stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the Village of Haverstraw or private towing and storage company of the amount of all expenses actually and necessarily incurred in effecting such removal, together with any charges for storage, such storage charges not to exceed \$25.00 per day or fraction thereof.

E. Any person intentionally abandoning any vehicle as defined in this article shall be subject to a fine, in addition to the charges above, for towing and storage, of not more than \$500.00 for each offense.

Mayor Kohut entertained a motion to open the Public Hearing with regard to removal, storage and sale of abandoned vehicles.

RESOLUTION #144-2011

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

Noel Rappaport: Mr. Rappaport stated that during the past winter there were cars parked in the lot across from his store that remained there the entire winter, disrupting snow removal, etc. He inquired who would be making the determination as to the length of time a vehicle has been parked.

Mayor Kohut: The Mayor responded that once the Village is informed of a vehicle that has not moved, they would have the vehicle tagged and posted and once the 96 hour limit is met, the Village would have the vehicle towed. If the parking attendants come across a standing vehicle, they could mark the tire of the vehicle, report it to the Building Inspector or DPW Superintendent who would move forward with posting the vehicle for removal and then having it towed after the 96 hour period has expired.

With no further comments from the floor, Mayor Kohut entertained a motion to close the Public Hearing.

RESOLUTION #145-2011

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

Mayor Kohut entertained a motion to approve the proposed amendment to the "Abandoned Vehicle Law".

RESOLUTION #146-2011

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

Mayor Kohut: The Mayor mentioned that several years back the New York State Department of Environmental Conservation established an MS4 Stormwater Management Program, which dictates to municipalities how they must manage their storm water issues. There are rules and regulations that must be followed, including preventing waste products (i.e. bottles, cans, papers, etc.) from getting into the storm drains and ultimately making its way to rivers and streams, as well as managing storm water as it comes off private properties and gets into the system. A report has to be provided to the State of New York annually and part of the necessary steps for providing that report is for the municipality to hold a Public Hearing to solicit input from its residents about the Village's storm water plan.

Mayor Kohut entertained a motion to open the Public Hearing on the MS4 Stormwater Management Program.

RESOLUTION #147-2011

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

With no comments from the floor, the Mayor entertained a motion to close the Public Hearing with regard to the New York State MS4 Stormwater Management Program.

RESOLUTION #148-2011

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

Mayor Kohut:

**REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY, Jay Hood, Jr.:** Counselor Hood requested the Board to approve the retention of Keane & Bean for labor negotiations and other labor related issues in which the Village is involved. They represent many municipalities in this type of negotiation/litigation and will be on call at an hourly rate of \$225.00. He mentioned that there are currently labor issues in the Village that need to be addressed.

Mayor Kohut entertained a motion to retain Keane and Bean at the rate of \$225.00 per hour for labor related issues.

RESOLUTION #149-2011

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

Counselor Hood asked the Board to approve a resolution prepared by its Bond Counsel, Randy Mayer of Fulbright & Jaworski, to bond for \$250,000.00 concerning the compromise settlement known as the 49WB litigation, as presented, which will include any expenses going forward.

Mayor Kohut entertained a motion to authorize issuance of \$250,000.00 in bonds for the Village of Haverstraw, Rockland County, New York, to pay the cost of a compromise settlement or payment of the claim against the Village known as 49WB litigation.

RESOLUTION #150-2011

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

ROLL CALL VOTE:       Trustee Batista           - NO  
                          Trustee Bueno            - YES  
                          Trustee Watson          - YES  
                          Trustee Dominguez      - YES  
                          Mayor Kohut             - YES

Motion passes with 4 yes votes, 1 no vote.

Counselor Hood spoke of the ongoing dispute with Cablevision mentioning that the Village has been shorted in franchise fees. He requested authorization from the Board to explore and possibly file a Notice of Claim, if necessary.

Mayor Kohut entertained a motion to pursue possible litigation against Cablevision for shortage of fees.

**RESOLUTION #151-2011**

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

Counselor Hood then requested a Public Hearing to be scheduled for approval of the Cell Tower Law, which will regulate the placement, upkeep and maintenance of cell equipment within the Village.

Mayor Kohut entertained a motion to schedule a Public Hearing for July 11<sup>th</sup> at 8:05 PM, for the Cell Tower Law.

**RESOLUTION #152-2011**

Motion by: Rafael Bueno  
Seconded by: Emily Dominguez  
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 and the Board, after much discussions regarding speed in the Village, have decided to place a "STOP" sign at the intersection of Broad Street and Rockland Street.

Mayor Kohut entertained a motion to install a "STOP" sign at the westerly heading to Broad Street at Rockland Street.

**RESOLUTION #153-2011**

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

The Mayor had previously received a request from the Hispanic American Lions Club to hold a carnival at the end of August in the parking lot adjacent to the Knights of Columbus. The United Latin Parade Committee had already retained the use of the parking lot for that weekend, therefore, the

Hispanic American Lions Club requested July 20<sup>th</sup> to 24<sup>th</sup> for their carnival. They will provide the Village with the necessary insurance.

Mayor Kohut entertained a motion to approve the Hispanic American Lions Club Carnival for July 20<sup>th</sup> to the 24<sup>th</sup>.

**RESOLUTION #154-2011**

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

The Mayor announced that "Dancing Under The Stars" scheduled for June 17<sup>th</sup> had to be cancelled due to the forecast of inclement weather. "Dancing Under The Stars" has been rescheduled for July 22<sup>nd</sup> with the same band.

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:

Robert S. Stobo – Rescue Hook & Ladder Co. #1

His applications was found to be fully completed and in order.

Mayor Kohut entertained a motion to admit Robert Stobo into the ranks of Rescue Hook & Ladder Co., #1 and the Haverstraw Fire Department.

**RESOLUTION #155-2011**

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

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

Trustee Watson read the following report submitted by George White, Superintendent of Public Works for the two weeks prior to June 20, 2011:

- 1) The crew continued to cut grass on all Village of Haverstraw properties, parks and lots.
- 2) Picked up yard waste, construction debris and white goods.
- 3) Cleaned up sewer blockage at 30 Victor Avenue.
- 4) Cleaned up all parking lots and parks of debris.
- 5) The sweeper was involved in an accident, therefore, there was no street sweeping this week. A small dump truck clipped the sweeper and was his fault.

- 6) Cleaned up sewer blockage at 107 Clove Avenue. There are approximately 12 other locations that are blocked and need to be taken care of.
- 7) Utilized the contractor, Fred Cook, for the cleaning of all sewer spots.

**YOUTH & FAMILY SERVICES - Trustee Emily Dominguez:** Trustee Dominguez stated that the Village is still accepting summer day camp applications and will have extended hours at the Village Hall for this purpose. Extended hours are as follows:

Saturday, June 18 <sup>th</sup>	9:00 AM	-	12:00 Noon
Thursday, June 23 <sup>rd</sup>	5:00 PM	-	7:00 PM
Monday, June 27 <sup>th</sup>	5:00 PM	-	7:00 PM
Wednesday, June 29 <sup>th</sup>	5:00 PM	-	7:00 PM

She mentioned that tax payments will also be accepted during these extended hours.

**BUILDINGS & CODE ENFORCEMENT - Trustee Francisco Batista:** Trustee Batista read the following report submitted by Building Inspector, Ruben Berrios for the period of June 6<sup>th</sup> through June 17<sup>th</sup>:

Rental property inspections	-	0
Municipal searches	-	1
Miscellaneous inspections	-	37
Construction inspections	-	100
Complaints	-	15
Violations & tickets	-	5
Permits & C.O.'s	-	6

Trustee Batista had nothing further to report.

Mayor Kohut:

**OLD BUSINESS**

Trustee Dominguez thanked the Department of Public Works and Bobby Drexler for the great job they continue to do at the ball field.

Mayor Kohut:

**NEW BUSINESS**

None.

Mayor Kohut:

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

Mayor Kohut: The Mayor again invited the public to ask questions or make comments.

Larry Levine: Mr. Levine spoke about the lack of a sidewalk in the area of Harbors and agreed with Mr. Musinger that it is a dangerous situation. He inquired if a "STOP" sign could be installed in the area.

Mayor Kohut: The Mayor responded they would have to think about that possibility. He then informed everyone that the steel would be installed across the 9W span the following day, which hopefully means that late September or early October is still a possibility for completion of the Route 9W overpass.

Mel Post, 1422 Round Point Drive: Mr. Post inquired if there could be some way for the Village to notify people when different events, such as "Dancing Under The Stars", were being cancelled. He suggested a rain date be a part of their advertising.

Emily Dominguez: Trustee Dominguez mentioned that the Village is creating a village email database through their Web-site and people should consider signing up to get their e-mail addresses on the Village e-mail listing.

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 #156-2011

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

Respectfully submitted by,

Beverly A. Swift  
Senior Steno Clerk  
June 21<sup>st</sup>, 2011