

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, June 4<sup>th</sup>, 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.

Noel Rappaport, 31 New Main Street: Mr. Rappaport questioned the Board with regard to an upcoming Public Hearing for a proposed “smoking lounge” in the rear of the Hookah Paradise at 25 New Main Street. He informed the Board that he was told that someone from this business bought \$2,000.00 worth of synthetic marijuana the day before it went off the market. He did not want to mention any names, however, since that business is only a few stores up from his, he sees the people that go into that store and he feels that this business is not a credit to the Village.

Mayor Kohut: The Mayor suggested everyone attend the Public Hearing to be held by the Zoning Board on June 14<sup>th</sup>, at 7:30 PM, in order to express their opinions and concerns. He stated that it is a legal business, however, the Village does not have to approve their request.

Gil Musinger, 1416 Round Pointe Drive: Mr. Musinger stated that the new overpass is a tremendous asset to the community and an important safety project, however, the grass in that location has not been cut in several weeks, which he feels should be done on a regular basis. He also still feels there is a safety issue for pedestrians when walking north onto Maple Avenue, which he feels must be addressed. Walking north from Main Street to West Street to get on to Maple Avenue there is a dangerously large intersection that pedestrians must cross. He recommended that lines be painted indicating it is a “pedestrian crossing” to prevent an accident from occurring, especially with the increase in traffic from the new overpass. He also mentioned going up and down the overpass there are five signs on the overpass, which specify dangerous curves, as well as five speed-limit signs. He feels there should be only one sign for each to avoid confusion and would be safer for the motorist.

Mayor Kohut: The Mayor informed Mr. Musinger that the decision was made by the Department of Transportation to install the signs. He then mentioned that the State has a standard they abide by for where signage should be placed.

Gil Musinger: Mr. Musinger still feels this is something that needs to be looked into again and that perhaps the Board could contact someone from the State to discuss the issue.

Mayor Kohut: The Mayor stated that they use a methodology where the standards are drawn out for them with regard to any signage for roadways.

Terence Watson, Jr.: Trustee Watson also mentioned that the length of the curve also has something to do with where the signage is placed.

Gil Musinger: Mr. Musinger is upset with the County for not taking proper care of trimming back foliage around road signs, mentioning that someone is going to be seriously injured or killed. He requested that the Board contact the County with that suggestion before something horrendous happens.

Larry Levine, 1414 Round Pointe Drive: Mr. Levine agreed with Mr. Musinger regarding all the safety issues he pointed out and was going to bring the same issues to the Board's attention. He also spoke about the intersection going from West Street to Maple Avenue and suggested that the board install a camera in that area to see what is really happening; people speeding and some not even stopping at the "STOP" sign coming off the overpass.

Emily Dominguez: Trustee Dominguez stated that both the Park Police and the Town Police have been staking out the area.

Larry Levine: Mr. Levine informed the Board that a large number of trucks are not using the right lane when they make the turn onto Route 9W, which they are supposed to do. He then brought up the issue again about painting the DPW Garage. He had a copy of a letter that he received from the Mayor, dated 2009, stating that all repairs would be completed within the following weeks and now three years later it still remains unpainted.

Mayor Kohut: The Mayor mentioned that there was a lot of rain over the past few season and other essential items that needed to be tended to. Unfortunately it did not get done.

Terence Watson, Jr.: Trustee Watson stated that when the painting is finally finished, all the gutters and top trim will be painted, as well as gutters being replaced wherever needed.

Mel Post, 1422 Round Pointe Drive: Mr. Post inquired about the Brownfield site and if there was any planned remediation for that area.

Mayor Kohut: The Mayor responded that the Brownfield site is where the Sales Center is now located, mentioning that there were originally fuel oil tanks on that site. At the time, no soil was removed, it was capped, which is one of several ways to deal with this type of situation and for as long as the DEC permits it, it will remain that way. He also mentioned that there are no Brownfield's under Site A, but there were originally some O&R sites for manufactured gas plants on Maple Avenue, of which some have been remediated and some still need remediation.

Mel Post: Mr. Post inquired if there would have to be any type of zoning changes to turn that area into a restaurant.

Mayor Kohut: The Mayor informed Mr. Post that a Brownfield site does not have any impact on a zone change, however, whether or not DEC will require further remediation is not known at this time. Since there are no residential homes on the property, he does not feel there is any reason for remediation at this time as the area is totally encapsulated.

Mel Post: Mr. Post was originally pleased about a restaurant in that area, however, he is concerned what type of restaurant it would be, if there would be a lot of bar activity, noise levels, and what type of people it would attract; young crowds, older crowds, etc.

Mayor Kohut: The Mayor responded that Mr. Ginsburg is looking for a named restaurateur and that it would be a tasteful, refined waterfront restaurant.

Mel Post: Mr. Post inquired if the Village would put any kind of restrictions on the restaurant because there is a whole row of town homes that are located right in that area. He mentioned that the residents in those homes can actually hear the music from the Elks Club, which is further away.

Mayor Kohut: The Mayor stated the Village cannot control anything like operating hours because NYS laws regulate that liquor can be sold up until 4:00 AM.

Gentleman did not want his name on record: He inquired if what goes on at meetings can be given out to the public.

Mayor Kohut: The Mayor informed the gentleman that municipalities are required by law to make all meetings public.

Same gentleman: He feels that by doing so, the municipalities are letting drug dealers, etc. know exactly what is going "down", which is one reason the Village cannot get rid of the ongoing illegal activities.

Mayor Kohut: The Mayor responded that he could speak with the Board at any time to express his concerns however the law mandates that minutes be given to anyone who request them, also informing him that all Village minutes are posted on the Internet. The Mayor also informed the gentleman that he could also file an anonymous complaint with the Building Department.

Emily Dominguez: Trustee Dominguez suggested he meet with the Board at a workshop or request a private meeting with the Board to air his concerns. She also suggested he attend a Quality of Life Committee Meeting and speak with the committee about his concerns.

Same gentleman: He mentioned that he did have a lengthy conversation with Counselor Hood, who actually went to his home to listen to his concerns, one of which was the noise in his neighborhood. He took Counselor Hood into his backyard to see for himself what he was dealing with. He then stated that within three days, the noise was gone and the illegal bikes seemed to disappear. He feels people are afraid to step up and air their concerns and thanked Counselor Hood for all his help.

Eric Polemo, 41 Third Street, Apt. 3: Mr. Polemo informed the Board that he was having a news conference that following Thursday with Channel 12 News, the Journal News and several others with regard to what he is calling "Terror in Haverstraw". Mr. Polemo, who was President of his North Rockland Class of 2007, returned home upon graduating from college. He explained that while his family was away for his graduation, his home was robbed of all of his school related materials, including electronic devices, etc., which he needs to attend graduate school at the London School of Economics. He also mentioned that two neighbors had recent break-ins. He was upset there was no translator at the Police Department to take his father's (father does not speak English) statement about what happened. His father could have identified the robbers, whereas the Police Report stated he was unable to identify the robbers, which he feels is why these people are still on the streets. Mr. Polemo has spoken with the mother of the suspect to request she get his belongings back to him, however, in the meantime, he has heard from neighbors that the robber has been negotiating prices for his belongings.

Tomorrow he is meeting with Police Chief Miller to find out why his father was allowed to sign something he could not read or understand. Mr. Polemo was also the victim of a hate crime in his neighborhood that landed him in the hospital and he feels strongly that something drastic has to be done to keep this community a welcoming, friendly and pleasant place for everyone to live. He feels his neighborhood is no longer a safe place to live. He will continue to do whatever it takes to clean up this community and show people that Haverstraw does produce quality youth.

Mayor Kohut: The Mayor has spoken to Chief Miller about the problems on Third Street and he assured the Mayor that he would step up enforcement in that area. The problem that the Police are facing now is with all the new technology there are now "apps" on phones for listening to the police frequency. The Police are now being forced to call the patrolmen on their personal cell phones to go to a certain area and take care of a problem, otherwise they would be robbers, etc. hear everything on the scanner and if there is any kind of illegal activity being conducted it is stopped by the time the Police arrive. The Police are trying to combat the technology to help them do their jobs. They are aware of the problem in that area and are determined to undermine the criminal activity.

Mayor Kohut: The Mayor applauded Mr. Polemo for standing up for his rights and hopes that Chief Miller can satisfy some of his concerns.

Eric Polemo: Mr. Polemo asked if it would be possible for the Mayor to speak with the landlord about his tenants being suspects in various criminal actions. He believes the culprits live at 11 South Street, in Apartment D.

Mayor Kohut: The Mayor stated he will look into these problems and speak with the landlord. He then added that thanks to people like Eric and Mr. Ortega coming forward with the particulars of stressful or criminal situations, the Village itself can try to address some of these issues and also assist the Police wherever they can. He also mentioned that they can also contact him or any Trustee whenever they feel there is a problem that needs to be addressed.

Mel Post: Mr. Post inquired if the public is allowed to speak off the record at a Public Meeting.

Mayor Kohut: The Mayor responded, to the best of his knowledge, that the only way to speak off the record is for the Board to announce they will go into Executive Session for a particular reason with that person.

With no further input from the floor, the Mayor moved forward with the meeting agenda asking David Zigler to approach the Board.

Jay Hood, Jr. Esq., Village Attorney: Counselor Hood excused himself on this matter.

David Zigler from Atzel, Scatassa & Zigler: Mr. Zigler mentioned that he had previously come before the Board with a zone change petition for his client Jay Hood, Jr., Esq. At that time, the Board referred Mr. Zigler to the Planning Board. They have recently met with the Planning Board and have received a response to their petition. He is now requesting the Village Board to schedule a Public Hearing with regard to this proposed zone change. Mr. Zigler will do all the necessary notifications and postings.

Mayor Kohut entertained a motion to hold a Public Hearing on Monday, July 9<sup>th</sup>, at 8:05 PM, to amend the zoning map from R1 to Highway Business District for Tax Lots 26.50-1-50 and 26.50-1-51.

RESOLUTION #134-2012

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

Mayor Kohut:

**REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY, Jay Hood, Jr.:** Counselor Hood requested the Board to schedule a Public Hearing for a proposed Sign Posting Law.

Mayor Kohut entertained a motion to schedule a Public Hearing for a proposed Sign Posting Law for Monday, July 9<sup>th</sup> at 8:20 PM.

RESOLUTION #135-2012

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

Counselor Hood had nothing further to report.

**VILLAGE TREASURER, Judith Curcio:** In the absence of Ms. Curcio, Damaris Torres, Deputy Clerk/Treasurer, informed the Board there was no report from the Treasurer's Office.

**MAYOR'S REPORT, Mayor Kohut:** The Mayor reported that the Board met with Michael Gallante, Traffic Consultant for Fred Clark Associates, at the workshop that night. Mr. Gallante presented the Board with a study of the intersection between Westside Avenue, Broadway and Samsondale Avenue, which they were previously engaged by the Village to prepare. The Board will review the information provided and get back to him with any amendments the Board deems necessary.

The Mayor mentioned that a monitoring report is required yearly from the Village by the Department of Environmental Conservation (DEC) with regard to the sulfur dioxide in the area of the Cpl. Manny Lopez Ball Field on McKenzie Avenue. The Board has decided, therefore, to have certain Village employees trained to inspect the gas vent and treatment system, the wells, the building sub-slab vent system and the drainage system. The information gathered by the Village would then be sent to the engineering firm who will prepare the report for DEC. A proposal has been received from SCS Engineers, the engineers used for the creation of the ball field, in the amount of \$3,700.00 to provide this training and preparation of reports for DEC.

Mayor Kohut entertained a motion to accept the proposal from SCS Engineers as stated above.

RESOLUTION #136-2012

Motion by: Emily Dominguez

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

The Mayor received a request from Bricktown Gospel Fellowship to use Emeline Park on Saturday, June 23<sup>rd</sup>, for a youth event that will run from 4:00 PM to 8:00 PM. The Board has discussed this request and will allow the event provided all attendees park their vehicles to the left of Emeline Park and not in the parking lot designated for Civile's Restaurant and also that all activities are kept to the left side of the park, as to not interfere with the operation of Civile's Restaurant.

Mayor Kohut entertained a motion to approve the event with the restrictions mentioned above.

RESOLUTION #137-2012

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

The Mayor received a request from Apple Taxi to move their taxi stand from Grant Street to in front of their store. The Board would consider their request on the condition that the Grant Street sign be removed and that the company is in full compliance with all licensing and regulations of the Village.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #138-2012

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

The Mayor received a letter from St. Peter's Church to hold a Corpus Christie Procession on Sunday June 10<sup>th</sup> starting at 12:00 PM. He read the route, which will begin at St. Peter's process through several village streets ending at St. Peter's.

Mayor Kohut entertained a motion to approve the procession.

RESOLUTION #139-2012

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

The Mayor reported that the Village Farmer's Market was set to begin on June 17<sup>th</sup> at 9:00 AM.

The Mayor received a request from GDC for a reduction in the \$1 million Site A Performance Bond. He read the following resolution for approval by the Board:

**WHEREAS**, Harbors Haverstraw, LLC has agreed to construct the following: installation or site improvements to be installed for the first phase of the Redevelopment Project (Phase I or duly known as Site A), currently located on parcels SBL 27.18-1-3, SBL 27.18-1-1, SBL 27.62-2-10, SBL 27.62-2-11 and SBL 27.17-1-20, Haverstraw, NY, in accordance with the Local Waterfront Revitalization Program adopted by the Village of Haverstraw August 11, 2003, The Findings Statement under the State Environmental Quality Review Act

with respect to the Downtown Waterfront Urban Renewal Redevelopment Project adopted by the Village of Haverstraw August 11, 2003, the Waterfront Consistency Law adopted by the Village of Haverstraw August 11, 2003, the Amendments to the Zoning Ordinance establishing the Waterfront Planned Development District (WPD) adopted by the Village of Haverstraw August 11, 2003, the land Acquisition and Disposition Agreement between the Village of Haverstraw and Harbors Haverstraw, LLC adopted by the Village of Haverstraw August 11, 2003, and the approved Site Plan for The Harbors of Haverstraw Site A approved by the Village of Haverstraw on October 16, 2003, specifically limited to the completion of adequate site utilities and infrastructure including roadways, sanitary systems, water distribution systems and storm drainage systems.

**NOW THEREFORE BE IT RESOLVED THAT**, Brooker Engineering, LLC, the Village of Haverstraw Consulting Engineer has determined upon inspection and evaluation that the partial infrastructure has been constructed and delivered by the Principal, Harbors Haverstraw, LLC, to the Obligee, the Village of Haverstraw and has been received and accepted by the Obligee for good and fair monetary value. The Obligee, the Village of Haverstraw hereby consents to a reduction in value of the outstanding Site Improvement Bond No. 08662695 from \$1,000,000.00 (ONE MILLION AND 0/00 UNITED STATES DOLLARS) to \$307,000.00 (THREE HUNDRED SEVEN THOUSAND AND 0/100 DOLLARS). Effective immediately.

Mayor Kohut entertained a motion, based upon the work completed by GDC and as per Brooker Engineering, to reduce the GDC Performance Bond from \$1 million to \$307,272.00.

**RESOLUTION #140-2012**

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

The Mayor has received a proposal from Jim Surdoval of Avant Strategies, to prepare a grant for the continuation of the promenade project, mentioning that he was the person who wrote the grant proposal for the original million dollar grant that the Village received for the promenade. His fee is \$125.00 per hour, not to exceed \$3,000.00, to prepare the next grant application.

Mayor Kohut entertained a motion to accept Mr. Sandoval's proposal, with the stipulation stated, to prepare a grant for the continuation of the promenade project.

**RESOLUTION #141-2012**

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

The Mayor read the following report of amendments to the budget submitted by Joseph Modafferri, Village Accountant:

**INCREASE ACCOUNTS**

A1110.11	Justice Court	\$ 3,077.97
A9961.9	Transfer to Reachout	2,601.43
A7140.1	Community Center	1,346.83
A3620.1	Building Department	4,096.44

A5110.1	DPW Laborers	24,618.00
A5010.1	DPW Administration	9,115.51

**DECREASE ACCOUNT**

A1990.41	Contingency Overtime	\$ 44,856.18
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Mayor Kohut entertained a motion to approve the amendments to the budget.

**RESOLUTION #142-2012**

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

The Mayor announced the first Dancing Under the Stars will be held on Friday, June 15<sup>th</sup> on Maple Avenue in front of Village Hall. He encouraged everyone to join in the festivities.

The Mayor made a request of the Board to meet for Executive Session to discuss negotiations and that completed his report.

**Mayor Kohut:**

**REPORTS OF STANDING COMMITTEES**

**FIRE & ORDINANCES** – Trustee Rafael Bueno: Trustee Bueno read the following report submitted by Fire Chief Patrick McNamee for the month of May, 2012:

Total Alarms	-	18
General Alarms	-	12
Special Calls	-	2
Mutual Aid Calls	-	4
Structure Fires	-	1
Cooking Fires	-	1
Trash/Rubbish Fire	-	1
Brush Fires	-	1
Vehicle Fires	-	0
Extrication Calls	-	0
Boat Calls	-	2
Gas Leaks	-	1
Good Intent/Miscellaneous	-	7
False Alarms	-	4
 Total Manpower Responding	-	 424 members

Trustee Bueno had nothing further to report.

The Mayor mentioned that the Fire Department Memorial Day activities will take place on Sunday, June 10<sup>th</sup>, beginning at 8:00 AM with mass at St. Peter's Church, followed by breakfast and ending with a parade to the Fireman's Memorial on Route 9W where wreaths will be placed to honor all fallen firefighters.

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

Trustee Watson read the following report submitted by George White, Superintendent of Public Works, for the period ending June 4<sup>th</sup>, 2012:

- 1) Fixed the pump station at Warren Avenue.
- 2) Installed paver blocks at the World War II Monument.
- 3) Cut down and replaced a dead tree at Emeline Park.
- 4) Cut down trees at Van Houten Street.
- 5) Continue to address a problem at Riverside Avenue pump station.
- 6) Cleaned up Hudson Avenue and the Village Clock Park with World War II Monument in preparation for Memorial Day events.
- 7) May 26<sup>th</sup> – Cut down the tree in front of Village Hall, planted flowers and cut the grass throughout the Village.
- 8) Addressed flooding issues in the Village due to heavy storms.

Trustee Watson had nothing further to report.

**YOUTH & FAMILY SERVICES - Trustee Emily Dominguez:** Trustee Dominguez gave the following report of activities at the Community Center:

The center is continuing to accept applications for summer camp.

Reachout Counseling Services – The staff held counseling sessions for 37 individuals and their family members for group and family canceling.

**BUILDINGS & CODE ENFORCEMENT - Trustee Francisco Batista:** Trustee Batista read the following report submitted by Building Inspector, Ruben Berrios for the period of May 21<sup>st</sup> through June 1<sup>st</sup>, 2012:

Municipal searches	-	2
Miscellaneous inspections	-	117
Construction inspections	-	12
Complaints	-	19
Violations & tickets	-	20
Permits & C.O.'s	-	3
Parking Enforcement	-	145 tickets issued

Trustee Batista had nothing further to report.

Mayor Kohut:

**OLD BUSINESS**

None.

Mayor Kohut:

**NEW BUSINESS**

Emily Dominguez: Trustee Dominguez reported that the new signage for the entrance to the Village will hopefully be completed and installed by next month.

Mayor Kohut:

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

Noel Rappaport: Mr. Rappaport expressed his delight at the removal of the burned out ruins of the house of Maple Avenue. He then inquired about having a speed bump installed on Maple Avenue, which he thought might solve some of the problems in that area.

Mayor Kohut: The Mayor mentioned that the Village started installing speed bumps last year as a part of its road program and those speed bumps have once again been installed on those streets. The Board will consider installing more speed bumps at some time in the future.

Mel Post: Mr. Post requested some time with the Board following the close of this meeting.

Mayor Kohut: The mayor requested everyone to rise for a “moment of silence” to close the meeting in memory of Larry K. Dillard, Esq., a lawyer from the Village. With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the meeting to Executive Session.

Mayor Kohut entertained a motion to that effect.

**RESOLUTION #143-2012**

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

Respectfully submitted by,

Beverly A. Swift  
Senior Steno Clerk  
June 11, 2012