

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, November 19<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.

Mel Post, 1422 Round Pointe Drive: Mr. Post thanked the members of the Village Fire Department and all the people who helped with the devastating storm situation at the Harbors, stating that they put in many long hours and that their time and energy was very much appreciated.

Noel Rappaport, 31 New Main Street: Mr. Rappaport also took this opportunity to thank the fire department volunteers and the DPW for their hard work and dedication to the Village. Everyone involved did a great job both during and after the storm, and went above and beyond what they normally do. He also mentioned that the Village looks like the storm never hit here thanks to the efforts these people put forth.

Arti Taub, 3304 Leewood Drive: Mr. Taub also wanted to thank everyone involved during and after the storm for being at the Harbors in their time of need.

Mayor Kohut: The Mayor thanked everyone for their encouraging remarks with regard to the way the Village DPW and the volunteers of the Haverstraw Fire Department handled the devastation of Hurricane Sandy when it made its way through our village.

Mayor Kohut:

## **REPORTS OF VILLAGE OFFICIALS**

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

Mayor Kohut: At this time, the Mayor brought up a Public Hearing that was held at a Board Meeting in July with regard to a property at the corner of Gurnee Avenue and Route 9W owned by the Hood family, which is why Counselor Hood stepped down for this portion of the meeting. The Mayor requested Deputy Village Attorney Robert Laureano to preside over this matter in his place.

Robert Laureano, Esq.: Counselor Laureano explained that this application was a request for a zone change on two lots owned by the Hood family, located adjacent to their law office on Route 9W, which is currently zoned as R1 Residential. He reviewed the application and determined that it satisfied the requirements of Section 245-35E of the Village Code as it was presented. He also pointed out that a Public Hearing was held on July 9<sup>th</sup>,

where many members of the public gave testimony, some of which was traffic related, but nothing major came out of that hearing. He stated that the Board is the Lead Agency and does have the power under the Village Code to issue a zoning amendment. He has reviewed a report prepared by Counselor Terrence Rice of Suffern, which was requested by the Board.

Mayor Kohut: The Mayor explained that Counselor Rice was retained by the Board to avoid any conflict of interest with Counselor Hood being the Village Attorney and owner of the property in question and Counselor Laureano being the Deputy Village Attorney. In order to avoid the appearance of impropriety or favoritism, the Mayor requested the Board to retain the services of another Land Use Attorney who could give an unbiased opinion about the Public Hearing. Counselor Rice, therefore, was engaged to review the transcripts of the Public Hearing and give the Board a referral with regard to this application. He then requested Counselor Laureano to proceed with the results of that review.

Robert Laureano, Esq.: Counselor Laureano informed the Board that Counselor Rice thoroughly analyzed the transcript of the Public Hearing and the following is a result of that report, copies of which were given to the Board. Counselor Laureano reported that Counselor Rice has found that there are no environmental concerns related to the proposed use of this property and that an environmental review would not be required. It is his understanding that there is currently no proposed development for this property and that the Hood family simply wants the property rezoned for any future use. He explained that the Village Board is required to adopt a "Negative Declaration of Environmental Significance" for this application to be processed and requested the Board to do so at this time.

Mayor Kohut entertained a motion to adopt a "Negative Declaration of Environmental Significance" under SEQRA.

**RESOLUTION #269-2012**

Motion by: Rafael Bueno

Seconded by: Terence Watson, Jr.

Motion carries: All

Robert Laureano, Esq.: Counselor Laureano mentioned that he has incorporated, by reference, the letter from Counselor Rice, as well as the General Municipal Law Review by the County of Rockland; both of which showed nothing adverse. There were two recommendations from the County that were their perspectives on what to do with the property and how it would effect traffic conditions.

Mayor Kohut entertained a motion to amend the zoning on the two lots located adjacent to the Hood's law office on Route 9W, which are currently zoned as R1 Residential to a Mixed Use area with both commercial and residential properties.

**RESOLUTION #270-2012**

Motion by: Terence Watson, Jr.

Seconded by: Rafael Bueno

Motion Carries: All

**VILLAGE TREASURER, Judith Curcio:** Ms. Curcio presented the following Treasurer's Report for the months of September and October, 2012:

Disbursements	-	\$1,003,950.00
Revenue	-	\$ 399,920.00

Ms. Curcio had nothing further to report.

Mayor Kohut entertained a motion to accept the Treasurer's Report.

**RESOLUTION #271-2012**

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

**MAYOR'S REPORT, Mayor Kohut:** The Mayor gave a follow-up report regarding the damage incurred by Hurricane Sandy. He has met with the Village insurance representatives who he took to view the various village properties, including Civile's, Emeline Park, the DPW, the promenade at Harbors and the Greenway Trail, which they viewed for several hours. They will now begin processing the damage. The Village gave them a variety of documentation and building plans, which they will process to see if there is anything covered under village insurance. The Mayor will be meeting with FEMA to see what the process will be for municipalities that were heavily damaged during the storm. The Board is hopeful that between the two entities, all village losses will be covered. He then mentioned that work has begun on the DPW building, which took on a large amount of water, damaging some of the machinery, the shop and the offices. The whole first level of the building has been cleaned. It was suggested to the Board that the Village hire a Public Adjuster, who would be working for the Village not the insurance company. The Mayor has interviewed two individuals and after discussions with the Board, he requested approval to retain Joe Amato of Nationwide Construction, Inc., at a negotiated fee of approximately 6%, to represent the Village with the insurance company. The Board is hopeful that this will increase the amount the Village will receive from the insurance company.

Mayor Kohut entertained a motion to retain the services of Joe Amato as stated above to represent the Village in negotiations with the insurance company.

**RESOLUTION #272-2012**

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

Mayor Kohut: The Mayor reported that the Village has received a proposal from AAA Cooleration Service, Inc. who has offered two alternatives for the damaged heating unit in the gym at the Community Center. The first alternative would be to see if the unit can be repaired, at a cost of \$600.00 and if found to be unfixable, they would replace the entire heating unit at a cost of approximately \$2,000.00.

Emily Dominguez: Trustee Dominguez suggested that the Village replace the heating unit as there have been problems with it over the years and she feels that would be the best solution.

Mayor Kohut entertained a motion to replace the chimney as stated above.

RESOLUTION #273-2012

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

The Mayor mentioned that he would like to schedule representatives of IRIS (Immediate Response Information System) to do a presentation of this system for the Board at some time in the near future.

The Mayor then mentioned that in the past the Village Hall has closed at 3:00 PM the day before Thanksgiving to give the staff time to prepare for the upcoming holiday.

Mayor Kohut entertained a motion to close the Village Hall at 3:00 PM as stated above.

RESOLUTION #274-2012

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

The Mayor then mentioned that another tradition for the Village through the holiday season is not to charge for metered parking on the Village streets or parking lots during the holiday season. The proposed timeframe for 2012 will be from Monday, December 17<sup>th</sup> through Wednesday, January 2<sup>nd</sup>.

Mayor Kohut entertained a motion to that effect, as stated above.

RESOLUTION #275-2012

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

The Mayor reminded everyone about the "Holidays in Haverstraw Festival", which will take place on Saturday, December 1<sup>st</sup> and will include a variety of activities for the children, price fix menus at village restaurants, the annual Holiday Concert at the Presbyterian Church, the Village Tree Lighting followed by "Supper with Santa" at the Community Center. He invited everyone to join in on one or all of the activities of the day.

The Mayor then read the following adjustments to the budget for June 1<sup>st</sup> to August 31<sup>st</sup>, 2012, submitted by Joseph Modafferri, Village Accountant:

INCREASE ACCOUNTS

A1110.11	Justice Court	\$ 3,498.63
A1325.1	Treasurer	\$ 5,202.20
A1325.11	Treasurer Clerk	\$ 633.85
A9961.9	Transfer to Reachout	\$ 993.93

A7140.1	Community Center	\$ 993.93
A3620.1	Building Department	\$ 4,720.50
A5110.1	DPW Laborers	\$ 5,581.99
A5010.1	DPW Administration	\$12,984.15

DECREASE ACCOUNT

A1990.41	Contingence Overtime	\$34,609.18
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Mayor Kohut entertained a motion to accept the above adjustments to the budget.

RESOLUTION #276-2012

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

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 as follows:

Luis Rodriquez - Lady Warren Hose Co. #5

The application is complete and duly notarized.

Mayor Kohut entertained a motion to accept the applicant into the fire company of his choice.

RESOLUTION #277-2012

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

Trustee Bueno then read the following report submitted by Fire Chief Patrick McNamee for the month of October, 2012:

Total Alarms	-	26
General Alarms	-	23
Special Calls	-	3
Cooking Fires	-	1
Brush Fires	-	2
Electrical Fires	-	3
Boat Calls	-	1
Gas Leaks	-	5
C.O. Alarms	-	2
Pump Outs	-	3
Storm Related	-	2
False Alarms	-	5
Good Intent/Miscellaneous	-	3
Total Manpower Responding	-	532 members

Trustee Bueno had nothing further to report.

**PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson:**  
Trustee Watson had nothing to report.

**YOUTH & FAMILY SERVICES - Trustee Emily Dominguez:** Trustee Dominguez gave the following report of activities at the Community Center for the period of October 31<sup>st</sup> through November 14<sup>th</sup>:

Reachout Counseling Services – The staff held family counseling sessions for 37 individuals and their family members. There were also 17 individuals who attended group counseling sessions.

Homework Program – The Center continues with its Homework Program, helping approximately 64 children from 3<sup>rd</sup> to 12<sup>th</sup> grades who attend daily.

Thanksgiving Dinner – The center is preparing to serve a turkey dinner to approximately 150 children on Wednesday, November 21<sup>st</sup>.

Trustee Dominguez 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 November 5<sup>th</sup> through November 16<sup>th</sup>, 2012:

Municipal searches	-	2
Miscellaneous inspections	-	49
Construction inspections	-	2
Complaints	-	6
Violations & tickets	-	10
Permits & C.O.'s	-	3

Trustee Batista had nothing further to report.

**MINUTES:** The Mayor presented the minutes of the October 1<sup>st</sup> Board Meeting for approval. The majority of the Board had not yet read the minutes, therefore, they will be presented again at the next Board meeting.

Mayor Kohut:

**OLD BUSINESS**

None.

Mayor Kohut:

**NEW BUSINESS**

None.

**Mayor Kohut:**

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

Artie Taub: Mr. Taub stated that he is in favor of Mr. Ginsburg constructing the Riverside building, but hopes that he will take into consideration the effects of the recent hurricane and will change the way he approaches the construction process. He is also hopeful that the Board will make sure that he takes whatever steps are necessary to avoid the damage that was done during this storm.

Mayor Kohut: The Mayor has already spoken to the engineers who have suggested items such as the elevator electronics being placed in a different section of the building, as well as changing many things that were realized through the course of this storm.

Arti Taub: Mr. Taub then inquired if the Village could check on the light at the bottom of Short Clove Road, which is not always on.

Mayor Kohut: The Mayor stated that he sent O&R approximately 40 light requests a couple of weeks ago, but the storm has probably caused them to be put on the back burner during the cleanup and repair.

Emily Dominguez: Trustee Dominguez suggested having the Fire Chief check it out after the meeting on his way home.

Arti Taub: Mr. Taub also wanted to thank the Village for the great job everyone did during and after Hurricane Sandy.

Mel Post: Mr. Post inquired if the Village has any idea on how to remedy this situation to prevent a repeat of the damage done with Hurricane Sandy, or if any thought has been given to preventive measures that could be taken in the Harbors to eliminate the potential for future flooding and damage on both sides of Harbors.

Mayor Kohut: The Mayor stated that it was an unusual storm with abnormally high surges of water. He did mention, however, that perhaps some kind of seawall could be installed that might prevent flooding in the area depending on the height of the water surges. The Mayor feels that the tidal surge was so high with this storm that nothing could have prevented what happened, which could occur again even if a seawall is installed.

Mel Post: Mr. Post inquired if FEMA, the Army Corps. of Engineers or whosever area of expertise this would fall on, could get involved in this matter to try to keep this kind of thing from happening again.

Terence Watson, Jr.: Trustee Watson has spoken with George White, Superintendent of Public Works, to see if the Village can do anything to prevent something like this from happening again. Mr. White thinks an engineer should inspect the entire area before doing anything.

Mayor Kohut: The Mayor feels that realistically there is nothing that can be done except to build a seawall, however, there is no guarantee that it would be built high enough for what Mother Nature would throw at the Village. He also stated that this was such an unusual occurrence, but perhaps FEMA, with their experience in these matters, could suggest something to prevent

this type of damage from occurring in the future, at which point the Village would move forward with their suggestion.

Mel Post: Mr. Post reminded the Board that weather patterns are changing and instead of getting a horrendous storm every 100 years, we may be getting them every two years. He feels it is something that the Village has to look into.

Mayor Kohut: The Mayor mentioned that with Harbors being located right at the base of the Hudson River, anyone living on any part of the river takes a risk with every storm that occurs. The good thing that came out of this storm is that no property owners suffered damage to their homes, unlike other areas. He mentioned that their homes are situated above the flood plane, which worked in this instance, blocking any water from getting into any apartment or town home. The reality is that the subterranean basements are below the flood line and thankfully all the residences were above the flood line. The Mayor is not sure if there is anything that can be done, however, if something is suggested by FEMA or any other entity, the Village will look into it.

Noel Rappaport: Mr. Rappaport wanted the Board to be aware that the streetlight across from the synagogue has been burnt out for a couple of months. He also mentioned the threats that many synagogues have been receiving lately and the need for a light in that area.

Mayor Kohut: The Mayor was aware of that and advised Mr. Rappaport that it was among the replacement orders he filed. With everything else that O&R has been dealing with, he does not know if they are back to a routine work schedule yet.

Noel Rappaport: Mr. Rappaport requested the Mayor to contact O&R the following day to see if they could do an emergency repair on that particular light. He feels proper lighting is a necessity because of the threats against synagogues in the area.

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 #278-2012

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

Respectfully submitted by,

Beverly A. Swift  
Senior Steno Clerk  
December 3, 2012