

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, March 17th, 2014, 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 Pointe Drive: Mr. Levine reminded the Board that the yellow lines on the roadway from the overpass to Harbors are barely visible and in dire need of being repainted. He requested the Board contact the Town to have this done. With regard to the proposed auto shop, he urged the Board to consider the residents living closest to the proposed facility and at least limit the shops hours and days of operation when a vote is taken.

Arti Taub, 3304 Leeward Drive: Mr. Taub wanted to acknowledge and commend the Fire Department for their quick response to the gas leak at Harbors.

Doris Quinones, 49 Leonard Street: Ms. Quinones, who has been a village resident for 41, years informed the Board of the excessive amount of barking coming from Dog Hill Day Care, a boarding facility located at 70 North Route 9W. She feels the excessive barking has become an annoyance and is detrimental to her health. She has sent letters to the Village Board and has also made over 20 voice complaints this year to the Town of Haverstraw Police. She provided the Board with a packet that included the Village Noise Ordinance and a picture taken from her window so the Board could visualize how close the kennel is to her home. She then read several sections of the Ordinance that applied to excessive noise from a dog. She is a dog lover, but can no longer tolerate the noise coming from this kennel. She then presented audio evidence of the noise that she and her neighbors have to tolerate on a daily basis. She believes either soundproofing or some other noise abatement would help the situation.

Emily Dominguez: Trustee Dominguez inquired if the dogs were outside at the time.

Doris Quinones: Ms. Quinones responded that they were on a dog run outside the building. She mentioned that the owner has been looking for a new location for the kennel, but the Planning Boards of every municipality he has applied to have denied his request. The fact that our Village Planning Board approved this request in a residential area was mind-boggling because the barking is continuous throughout the day. She calls the police and it stops for a while and then starts over again.

Terence Watson, Jr.: Trustee Watson asked if she had police reports showing that they have gone to the kennel.

Doris Quinones: Ms. Quinones responded that copies of the police reports were attached to the packet she gave the Board, including the names of the officers.

Mayor Kohut: The Mayor inquired if the Police have issued any violations to the owner.

Doris Quinones: Ms. Quinones responded no and was told by the officers that the Village was lax with their ordinances, which is why the Police did not issue any violations.

Jay Hood, Jr., Esq.: Counselor Hood asked if Ms. Quinones had the name of the officer.

Doris Quinones: Ms. Quinones responded Officer Block. She then went on to read a letter she received from the Village in response to her complaint letter. She still finds it hard to comprehend how the Board could think that 30 or 40 barking dogs running around would not cause problems for residents in the surrounding area. Also, since she felt the police were doing nothing about this problem she also wrote to the Rockland County Executive.

Mayor Kohut: The Mayor has spoken with the owners about doing something to reduce the noise coming from the kennel such as install plants, which would muffle the noise. He also informed her that neither the Building Inspector nor police can issue a violation without actually hearing the noise.

Mayor Kohut: The Mayor does not know why the Police Officer would say that the Village is lax in performing its duties.

Jay Hood, Jr., Esq.: From what he is hearing Counselor Hood feels that the officer should have issued a ticket.

Mayor Kohut: The Mayor has instructed the Building Inspector to visit the site periodically and, if there is a noise issue, enforce the ordinance.

Doris Quinones: Ms. Quinones stated that she has seen the Building Inspector at the site, but it is always at a time when the dogs are inside.

Emily Dominguez: Trustee Dominguez suggested that Ms. Quinones call the Village Hall when the dogs are outside during the day, so the Building Inspector can visit the site at that time.

Mayor Kohut: The Mayor then stated that if any violations are found at that time, the Building Inspector will issue a ticket, which would then be addressed by the court.

Luis Torres, 92 Clove Avenue: Mr. Torres presented the Board with a petition from the residents of Clove Avenue requesting a speed bump be installed on Clove Avenue, between Fairmount and Tor Avenues, to help make the area safer for the children residing and playing in the area.

Clemente Ferreira, 4 Union Street: Mr. Ferreira spoke Spanish with Doris Quinones translating. He feels Tilcon is contaminating the Village and making people sick from the sand that blows around the Village on windy days. He inquired if there is any cap or limit on how high they can pile the

sand and, if not, feels that the Village should put a cap on the height of the sand piles. He also feels these piles are a hindrance to the health and prosperity of the Village and its residents, mentioning also how unsightly they appear when approaching the Village.

Mayor Kohut: The Mayor thanked Mr. Ferreira for his comments, stating that it would be looked into. He also mentioned that the Village has very limited control over Tilcon, because the State of New York oversees all mining operations.

Noel Rappaport, 39 New Main Street: Mr. Rappaport spoke about drivers speeding through the Village, which has only worsened over time; therefore, he now feels there should be a "STOP" sign on the corner of New Main Street and Clove Avenue coming into the Village. He feels this is a subject that has been brought up too often and requires the Board's attention before something horrendous happens.

Ramon Soto: Mr. Soto spoke about the parking tickets that are being issued by the police between the hours of 2:00 and 4:00 AM. He feels tickets are not being given to all the businesses equally, with some businesses being attacked (i.e. small Hispanic businesses), while others are benefiting. He mentioned that everyone pays their fair share of taxes to help support the Village and that this is not a fair practice because eventually small businesses will be forced to close due to all the violations and tickets. He wants everyone to be treated fairly and equally.

Mayor Kohut: The Mayor stated that he informed the police that no tickets to be issued before 4:00 AM in the business district, which Trustee Dominguez stated has been made very clear to the police on many occasions. The Mayor again stated that the Village Parking Enforcer does not issue any tickets before 4:00 AM and that the Police Chief has been continually informed that no tickets are to be issued before 4:00 AM due to the closing time of the bars.

Ramon Soto: Mr. Soto then asked that the Board change the time, even by just 15 minutes, giving people a chance to get to their vehicles before being issued a violation. He also requested that the signs be changed to reflect that.

Mayor Kohut: The Mayor informed Mr. Soto that the law would have to be changed to that affect and the Board will look into.

Ramon Soto: Mr. Soto mentioned that he attended a Town Hall meeting and questioned the Police Chief about giving out tickets to which the Chief responded he was following the instructions given by the Village.

Mayor Kohut: The Mayor again stated that when the Board spoke with the Police Chief they informed him tickets are not be given out on Broadway or Main Street until after 4:00 AM.

Mayor Kohut: With no further input from the public, the Mayor continued with the regular meeting agenda announcing the first of two Public Hearings. He invited Village Attorney Jay Hood, Jr. to present the first regarding Mutual Aid – Section 39.

Jay Hood, Jr., Esq.: Counselor Hood explained that Section 39 of the Mutual Aid Law, requires assistance be given by the Police in any

emergency situation outside the Village, however, because the Village no longer has a Police Department it cannot assist any municipality as stated under this section of the law.

Mayor Kohut entertained a motion to open the Public Hearing to rescind Section 39 of the Mutual Aid Law.

RESOLUTION #71-2014

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

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

RESOLUTION #72-2014

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

Mayor Kohut entertained a motion to rescind Section 39 of the Mutual Aid Law as stated above.

RESOLUTION #73-2014

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

Jay Hood, Jr., Esq.: Counselor Hood then requested the Board to approve changes to the Records Access Law – Section 59-2, storage of village records. Since the Village Hall is no longer located on Fairmount Avenue an address correction is necessary listing the current Village Hall location as 40 New Main Street, in the Village, where all Village records are currently maintained.

Mayor Kohut entertained a motion to open the Public Hearing regarding Records Access Law – Section 59-2, as stated above.

RESOLUTION #74-2013

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

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

RESOLUTION #75-2014

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

Mayor Kohut entertained a motion to approve the change to Records Access as stated above.

RESOLUTION #76-2014

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

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: Counselor Hood updated the Board with regard to the property at 78 Sharp Street which was damaged by fire approximately 1½ years back. He is still awaiting approval from HUD to proceed with demolition. The Village has been obtaining bids to demolish the building, however, without HUD's approval the Village cannot move forward. He did inform HUD that the Board would like to move forward with this demolition immediately and that bids have been received for the demolition.

Mayor Kohut: The Mayor reported that by Thursday the Village will be required to move forward with asbestos abatement even if nothing is received from HUD.

Jay Hood, Jr., Esq.: Counselor Hood requested Public Hearings be scheduled for changes to Chapter 76 - False Alarms, Chapter 80 - Alcohol Fines and Chapter 92 - eliminating the need for a permit when executing an auction.

Mayor Kohut entertained a motion to hold Public Hearings as stated above on Monday, April 21st.

RESOLUTION #77-2014

Motion by: Emily Dominguez
Seconded by: Rafael Bueno
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 announced that Keep Rockland Beautiful (KRB) has a Village clean-up scheduled for Sunday, April 27th with a rain date of May 3rd, from 10:00 AM to 12:00 PM. The Mayor mentioned that KRB does a lot in the Village throughout the year and, therefore, requested the Board to approve presenting them with a donation of \$250.00.

Mayor Kohut entertained a motion to make a donation of \$250.00 to Keep Rockland Beautiful for all their efforts in the Village throughout the year.

RESOLUTION #78-2014

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

The Mayor requested approval authorizing the issuance of \$500,000.00 in bonds to pay the cost of a tax certiorari settlement resulting from a court order on a proceeding brought by NRG Bowline LLC and Hudson Valley Gas Corp. pursuant to Article 7 of the real property tax law. The Mayor mentioned that all the municipalities within the Town of Haverstraw have settled a tax certiorari with NRG, previously Genon, with a \$550,000.00 refund due from the Village within 90 days of the settlement. In order for the Village to pursue this, it is bonding for \$500,000.00 with a maximum maturity not to exceed 5 years.

Mayor Kohut entertained a motion to authorize the bond resolution as stated above.

RESOLUTION #79-2014

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

ROLL CALL VOTE:

Trustee Batista	- YES
Trustee Bueno	- YES
Trustee Watson	- YES
Trustee Dominguez	- YES
Mayor Kohut	- YES

Judy Curcio: Ms. Curcio announced that the motion passed with 5 in favor.

The Mayor announced that the Village has received a packet from State Wide Inspection Services, Inc. seeking authorization to become an electrical inspection company servicing all areas of electrical work in the Village.

Mayor Kohut entertained a motion to authorize State Wide Inspection Services, Inc. to provide the Village with all areas of electrical work.

RESOLUTION #80-2014

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

The Mayor has received a Letter of Resignation from Julissa Estevez, a part-time employee working in the Village Hall, which he read in full.

Mayor Kohut entertained a motion to accept the resignation of Julissa Estevez with regret.

RESOLUTION #81-2014

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

The Mayor announced the Board has received the annual LOSAP Report from the Fire Department.

Mayor Kohut entertained a motion to accept the 2013 Service Award Program Firefighters records.

RESOLUTION #82-2014

Motion by: Rafael Bueno

Seconded by: Terence Watson, Jr.

Motion Carries: All

The Mayor reminded the public that a Public Hearing was held at the previous meeting for a Special Permit by Rockland Recovery to occupy the site at 2 Dr. Girling Drive for a light auto repair shop. The Board has reviewed this application and has considered granting this Special Permit as follows:

RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HAVERSTRAW IN CONNECTION WITH AN APPLICATION OF ADMIRAL'S COVE, LLC FOR A SPECIAL PERMIT USE AS AN AUTOMOTIVE GARAGE IN THE WATERFRONT PLANNED DEVELOPMENT DISTRICT ZONE AT 2 DR. GIRLING DRIVE, SBL 27.62-2-13

Whereas, the Applicant is the owner of certain property located at 2 Dr. Girling Drive (SBL 27.62-2-13) in the Village of Haverstraw;

Whereas, the .27 acre parcel was originally zoned Industrial Zone where the previous business conducted on the parcel was primarily landscaping and snow removal; and

Whereas, the parcel is currently zoned Waterfront Planned Development District (Section 245.21.1); and

Whereas, on January 21, 2014, Admiral's Cove, LLC (a wholly owned organization of Ginsburg Development Companies, LLC) submitted an application for a Special Permit to the Board of Trustees for a completeness review so that the parcel may be used as an automobile repair/mechanic installation by Scott Corbett owner of Rockland Recovery; and

Whereas, the Scott Corbett and the Applicant explained to the Board of Trustees that the lease agreement between Rockland Recovery and Admiral's Cove, LLC would be for an initial period of three years with an option for two additional years for a total of a five year term; and

Whereas, on January 21, 2013 such application was referred to the VOH Planning Board for review and comment; and

Whereas, on February 6, 2014 at a regularly scheduled meeting of the VOH Planning Board, the Planning Board reviewed and studied the application and plan and made a positive recommendation on the proposed Special Permit use back to the Village Board of Trustees; and

Whereas, on March 3, 2014 the Board of Trustees held a duly noticed Public Hearing regarding the proposed Special Permit use where public comment was given and reviewed ; and

Whereas, also on March 3, 2014, the Board of Trustees closed the Public Hearing;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

The Village Board of Trustees approves the temporary use of the parcel at 2 Dr. Girling Drive (SBL 27.62-2-13) by issuing this Special Permit for a term of up to five years under the following terms, conditions and restrictions:

1. The Rockland Recovery facility shall be limited to light automotive repair. Light automotive repair shall be limited to performing diagnostic circuit checks, changing oil and lubricate parts, replacing filters, rotating and balancing tires, replacing spark plugs, changing automatic transmission fluid and filter, replacing belts, hoses, wiper blades and head, tail, and brake lights, conducting brake inspections, check for leaks; i.e., transmission, engine, brake, flushing cooling system, changing manual transmission and rear-axle fluids, replacing brake pads, adjusting park brake cable, evaluating tire wear patterns, fixing, mounting and balancing tires, removing and replacing electrical components, and performing routine preventive maintenance for the basic operation of heating and air conditioning systems.
2. The hours of operation for this facility shall be Monday through Friday from 8am to 6pm and Saturdays from 9am to 2pm. Sunday operations are prohibited.
3. Rockland Recovery shall be required to properly dispose of all automotive fluids. Automotive wastes include engine oil, transmission fluid, power steering fluid, brake fluid, antifreeze, solvents, and degreasers in compliance and in accordance with applicable USEPA and NYSDEC regulations.
4. Rockland Recovery shall not be permitted to construct or install a paint booth or paint corner on the premises.
5. This Special Permit shall only apply to Rockland Recovery and its owner/lessee Scott Corbett as Tenant to Admiral's Cove, LLC and shall take effect immediately.

Trustee Bueno would like to change the Saturday hours from an 8:00 AM opening to 9:00 AM and the closing time from 1:00 PM to 2:00 PM.

Mayor Kohut entertained a motion to approve a Special Permit to Rockland Recovery with stipulations stated above and the time change for Saturdays.

RESOLUTION #83-2014

Motion by: Rafael Bueno

Seconded by: Terence Watson, Jr.

Motion Carries: All

ROLL CALL VOTE

Trustee Batista	- NO
Trustee Bueno	- YES
Trustee Watson	- YES
Trustee Dominguez	- NO
Mayor Kohut	- YES

Judy Curcio: With 3 yes votes and 2 no votes the motion passes and the application is approved.

The Mayor then presented the following list of budget adjustments received from Village Accountant Joseph Modafferi:

		<u>Increase</u> <u>Appropriations</u>	<u>Decrease</u> <u>Appropriations</u>
A.9010.0800	Employee Retirement	\$ 4,700.00	
A.1990.0400	Contingent		\$ 4,700.00
A.9040.0810	Firemen Comp.	5,800.00	
A.1990.0400	Contingent		5,800.00
A.1910.0400	Unallocated Ins.	5,500.00	
A.1990.0400	Contingent		5,500.00
A.8510.0400	Beautification	5,000.00	
A.1990.0400	Contingent		5,000.00
A.9040.0800	Workers Comp.	66,000.00	
A.1990.0400	Contingent		66,000.00
A.9040.0810	Workers Comp. Fire	5,775.00	
A.1990.0400	Contingent		5,775.00
A.5142.0400	Snow Removal	10,700.00	
A.1990.0400	Contingent		10,700.00
A.1660.0400	Central Stockroom	500.00	
A.1990.0400	Contingent		500.00
A.1420.0400	Legal	4,000.00	
A.1990.0400	Contingent		4,000.00

Mayor Kohut entertained a motion to accept the above budget adjustments submitted by the Village Accountant totaling \$107,975.00 being deducted from the Contingent Account.

RESOLUTION #84-2014

Motion by: Emily Dominguez

Seconded by: Francisco Batista

Motion Carries: All

<u>DEPARTMENT</u>	<u>ACCOUNT #</u>	AMOUNT
<i>Debit/Increase:</i>		
Justice Court	A1110.11	1,833.40
Reach Out	A9961.9	4,847.45
Recreation	A7140.1	684.11
Building Department	A3620.1	3,780.13
DPW Laborers, etc.	A5110.1	76,444.44
DPW Administration	A5010.1	19,580.13
<i>Credit/Decrease:</i>		
OT Contingent Account	A1990.41	107,169.66

Mayor Kohut entertained a motion to accept the overtime record as stated above.

RESOLUTION #85-2014

Motion by: Terence Watson, Jr.

Seconded by: Emily Dominguez

Motion Carries: All

The Mayor announced that the North Rockland Rotary Club will be holding their 13th Annual Pancake Breakfast at the West Haverstraw Community Center on Sunday, April 6th from 8:30 to 11:00 AM.

The Mayor had nothing further to report.

Mayor Kohut:
REPORTS OF STANDING COMMITTEES

Jay Hood, Jr., Esq.: Counselor Hood interrupted at this time to announce he was just informed via email that HUD gave approval for the demolition of the home at 78 Sharp Street, which now allows the Village to move forward with the demolition plans.

FIRE & ORDINANCES – Trustee Rafael Bueno: Trustee Bueno had nothing to report.

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

YOUTH & FAMILY SERVICES - Trustee Francisco Batista: Trustee Batista gave the following report of activities at the Community Center for the period of February 27th to March 12th:

There was an event at the Haverstraw Center attending by approximately 100 children between the ages of 6 and 16, to discuss language respect, social behavior, following rules, etc.

May 2nd: A senior's event is scheduled to take place, which all senior citizens are invited to attend.

March 26th: The Youth Celebration will be held at the Center at 6:00 PM.

Trustee Batista had nothing further to report.

BUILDINGS & CODE ENFORCEMENT - Trustee Emily Dominguez: Trustee Dominguez read the following report submitted by the Building Inspector, Ruben Berrios, for the period of March 3rd through March 14th, 2014:

Rental property inspections	-	0
Municipal searches	-	2
Miscellaneous inspections	-	83
Construction inspections	-	1
Complaints	-	16
Violations & tickets	-	19
Permits	-	7

Trustee Dominguez had nothing further to report.

MINUTES: The Mayor presented the minutes of the Public Hearing held on January 27th for approval by the Board. Since the majority of the Board had not yet reviewed the minutes they were tabled until the next Board Meeting.

Mayor Kohut:

OLD BUSINESS

Mayor Kohut: The Mayor reported on the change to the “Snow Removal” law, which will now prohibit people from shoveling snow onto the roadways.

Francisco Batista: Trustee Batista stated that prohibiting people from throwing snow into the street is going to be confusing and difficult for some people since there are many sections of the Village where people have no other place to put the snow that accumulates on sidewalks and driveways. He also feels there should be an exception depending on the amount of snow that falls during a storm.

Jay Hood, Jr., Esq.: Counselor Hood agrees with the Mayor that there are other ways to get rid of the snow by placing it on lawns or between houses, etc. to avoid the danger that would be caused by snow thrown on the roadways, which should be kept clear and passable at all times.

Mayor Kohut: The Mayor mentioned that he drives around the entire Village during snowstorms and other emergency situations and mentioned if he did not have a Jeep that he would never have gotten through Village on the Green without getting stuck. He is hopeful that no major incident occurs because of a vehicle slipping on the snow and not able stop their vehicle in time.

RESOLUTION #86-2014

Motion by: Terence Watson, Jr.

Seconded by: No second

Emily Dominguez: Trustee Dominguez would like to table this issue for further review by the Board.

Mayor Kohut: The Mayor reminded the public that the American Wind Symphony Orchestra (AWSO) with their floating stage would be docking in the Village this August for several days to perform concerts and give lessons to students currently involved in music programs in high schools throughout the county. He mentioned that committees need to be formed to help plan the event and a meeting has been scheduled for Thursday, March 27th at 7:00 PM. He invited all interested parties to join the Board at that time.

Mayor Kohut:

NEW BUSINESS

Mayor Kohut:

2nd PUBLIC PARTICIPATION

Clemente Ferreira: Mr. Ferreira complained that the streets surrounding St. Peter’s Church are not always cleaned properly when it snows and that there are always cars parked on these streets for church events making it even more difficult for the DPW to clean the streets. He feels this area is one of the first that should be plowed after a storm before the church patrons park their vehicles.

Noel Rappaport: Mr. Rappaport feels that the DPW is having difficulty with clearing the streets properly because of all the vehicles that continue to park on the streets during snow storms. He has called the Police on many occasions to ticket or have vehicles towed but he was told that they cannot do anything unless instructed by the Village.

Mayor Kohut: The Mayor believes that the only time the Police are authorized to have vehicles towed is if the Village declares a snow emergency.

Ramon Soto: Mr. Soto wanted to know why the parking ticket fees were raised.

Mayor Kohut: The Mayor responded that last year the Village raised several different fees and fines as deemed appropriate because they were very low compared to the existing standards and other municipalities.

Ramon Soto: Mr. Soto feels that the DPW did a good job with the snow removal this winter, however, failed to properly clean the area between Broadway and Samsondale Avenue.

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 #87-2014

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

Respectfully submitted by,

Beverly A. Swift
Senior Steno Clerk