

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, October 20th, 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: At a Town Board Meeting the previous week, when Mr. Levine brought up the Tilcon issues he was told that the Tilcon problem was a village issue. He has brought this to the Board's attention on many occasions. The dust, debris, etc. coming from Tilcon is a very serious problem. It is unhealthy and unaesthetic and unless something is done about this problem there are going to be a lot of people, especially at Harbors, who are going to get sick. People have to seal their windows to avoid the hazards coming from Tilcon getting into their residences. He feels something has got to be done and wanted to know what the Village has planned to take care of this problem.

Mayor Kohut: The Mayor responded that the Board will schedule another meeting with Mr. Cooney for some time in November to see if they can come to some kind of agreement.

Larry Levine: Mr. Levine inquired what the Mayor would bring to the table at that meeting.

Mayor Kohut: The Mayor replied that they would ask Mr. Cooney to rectify the situations, possibly by starting another pile instead of adding more to the existing ones and keeping the trucks clear of debris before they leave the lot. If they cannot come to some kind of agreement the Board will take the next step and approach the DEC about the issues concerning the Village.

Larry Levine: Mr. Levine then addressed Village Attorney, Jay Hood, Jr. about any legal actions that the Village might be able to take against Tilcon.

Jay Hood, Jr., Esq., Village Attorney: Counselor Hood has spoken with Thomas Humbuck of the County who has informed him that he will look into the problem and if it cannot be handled at the County level he will find out who the Village can turn to for more help with this matter. He once again mentioned that there may not be much that anyone can do to resolve these issues because Tilcon is not under the control of the Village.

Mayor Kohut: The Mayor explained that the Mining Permit goes back decades and in his discussions with DEC he was informed that there was no control over the height of the piles.

Larry Levine: Mr. Levine mentioned that there was gravel all over the road again that day.

Mayor Kohut: The Mayor also saw the debris on the roads and called right away.

Larry Levine: Mr. Levine feels they just do not care because they know they can do whatever they want and get away with it and he saw them that night again adding to the huge pile. He feels it is going to impact the Harbors and the Village by possibly keeping future tenants/homeowners from moving into the Harbors.

Mel Post, 1422 Round Pointe Drive: Mr. Post mentioned that he was also at the last Town Board meeting and requested Supervisor Phillips to set up a meeting with some of the Harbors residents, as well as any residents of the Town and Village to hopefully find a way to resolve some of the issues. He was hopeful that Supervisor Phillips would join the residents in trying to rectify the situation with Tilcon. Mr. Post met with the Plant Manager a few years back asking that the piles be hydro seeded and he was told that they cannot sell the silt for as much money if it has been hydro seeded. He then mentioned that driving on the overpass with all the dust and debris is hazardous. Even if the Village DPW is sent out to clean the debris, minutes later there is another truck dropping debris. He is hopeful that a meeting can be scheduled with the Town and residents to further discuss the situation as it stands today. He stated that as the piles get higher the upper winds blow the dust all around the Village, not just Harbors, and Tilcon does not do anything to help the situation. Mr. Post then brought up the suit against the Village with respect to the AAA Electric property, inquiring about the exact location of that property in Harbors.

Mayor Kohut: The Mayor responded the AAA property includes the entirety of Site A, with some small exceptions by the inlet.

Mel Post: Mr. Post stated that there is some misconception in Harbors that it has something to do with the Chair Factory property, which the Mayor stated does not. He then inquired if the judgment was \$6.5M.

Mayor Kohut: The Mayor replied that the original judgment was \$6.7M of which GDC paid \$2.4M in 2003, however, with interest accruing from the day of taking to present, the judgment is up to \$6.4M still owed.

Mel Post: With respect to Mr. Ginsburg, Mr. Post inquired if it is his obligation to pay the Village.

Jay Hood, Jr., Esq.: Counselor Hood responded that according to the Land Acquisition Development Agreement Mr. Ginsburg would have to cover the final disposition and all the fees involved since the beginning.

Mel Post: Mr. Post questioned where the Village currently stands with this situation.

Mayor Kohut: The Mayor responded that the Village is currently awaiting a decision from Mr. Ginsburg as to how he is going to handle this situation.

Sandra Nadohl, 33 Main Street: Ms. Nadohl inquired about the status of the Streetscape Project.

Mayor Kohut: The Mayor informed Ms. Nadohl that the Streetscape Project is being finalized by the State and the utility agreements have been signed allowing the Village to go out to bid over the winter. The Mayor explained that the utility poles will be relocated and be taller than the existing poles allowing the wires, etc. to be out of viewing sight. The Village is hoping to break ground in the spring, but the State continues to hold up the project.

Sandra Nadohl: Ms. Nadohl then inquired the length of time the project will take once it is started.

Mayor Kohut: The Mayor's calculation would be approximately 1½ years. He also stated that all of the downtown area would not be disturbed at one time; construction would start in one area and then move on to another, ultimately ending on the corner of Warren Avenue and Edgar Street.

Sandra Nadohl: Ms. Nadohl then inquired as to the procedure that is followed when someone approaches the Board with regard to opening a business similar to many others that already exist in the Village.

Mayor Kohut: The Mayor responded that the Commerce Clause of the United States Constitution states that no municipality can stop any business from opening no matter how many of the same businesses already exist. The Mayor also mentioned that those applicants do not appear before the Board of Trustees, but before the Building Inspector and/or the Planning Board for a Change of Use, who will notify the Board and the public that there will be a change of use in the property. For example: a hair salon to a retail store or a bakery to a porno store that requires a Change of Use and a Public Hearing.

The Mayor announced there were 3 Public Hearings scheduled for amendments to Local Laws and requested Counselor Hood to present the amendments.

Jay Hood, Jr., Esq: Counselor Hood reported the first Public Hearing was to rescind §101-8, the numbering of buildings and amend §101-7 Penalties for Offenses by increasing the penalty with a fine starting at \$150.00 up to \$500.00 for buildings without the proper numbering. He explained that the proper numbering of buildings is very important especially in cases of emergency situations.

Mayor Kohut entertained a motion to open the Public Hearing.

RESOLUTION #239-2014

Motion by: Emily Dominguez

Seconded by: Terence Watson, Jr.

Motion Carries: All

Noel Rappaport, 31 New Main Street: Mr. Rappaport inquired if there are going to be specifics as to the size or color of the numbers.

Mayor Kohut: The Mayor does not believe there is anything in the Village Code that dictates those specific items.

Patrick McNamee, Village Fire Inspector: Mr. McNamee responded that State Code requires it not be white numbering on a white background.

Sandra Nadohl: Ms. Nadohl inquired if the property owners would be notified.

Mayor Kohut: The Mayor explained that this would only apply to those buildings that are not numbered at the current time.

Jay Hood, Jr., Esq.: Counselor Hood also informed Ms. Nadohl that the building owner would be notified before any tickets would be issued.

Mayor Kohut entertained a motion to close the Public Hearing.

RESOLUTION #240-2014

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

Mayor Kohut entertained a motion to approve the above stated amendment.

RESOLUTION #241-2014

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

Jay Hood, Jr., Esq.: Counselor Hood then announced the 2nd Public Hearing was to amend Electrical Standards §125-4 having to do with electrical inspections, etc. Any newly constructed buildings must be up to code and adhered to. The purpose of this Public Hearing is to increase the fees for anyone not following the Building Codes. The fees would start at \$250.00 up to and including \$1,000.00 per week for any violations to this Code. Noncompliance could cause fires, injuries, etc.

Mayor Kohut entertained a motion to open the Public Hearing.

RESOLUTION #242-2014

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

Mayor Kohut entertained a motion to close the Public Hearing.

RESOLUTION #243-2014

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

Mayor Kohut entertained a motion to approve the amendment as stated above.

RESOLUTION #244-2014

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

Jay Hood, Jr., Esq.: Counselor Hood spoke about the penalties for violating the Noise Ordinance §157-11. He reported anyone failing to comply with this ordinance would be liable to pay the amended penalty of not less than \$250.00 and not more than \$1,000.00. He also reported that any excessive noise including loud music, loud car mufflers, etc. would be included in this ordinance.

Mayor Kohut entertained a motion to open the Public Hearing.

RESOLUTION #245.2014

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

Larry Levine: Mr. Levine inquired if the ordinance would also apply to motorcycles, festivals, etc.

Mayor Kohut: The Mayor responded the ordinance applies to anyone failing to comply with the provisions of this chapter or with any order or direction lawfully given hereunder.

Noel Rappaport: Mr. Rappaport brought up the fact that if the Police do issue a ticket the Judge will more than likely throw it out. He inquired if anyone has spoken to the Judge about this matter.

Jay Hood, Jr., Esq.: Counselor Hood has spoken to the Judge who stated he does not throw out tickets irresponsibly.

Mayor Kohut: The Mayor responded that there may be some legal reason that would make the ticket void, however, there would be no reason to throw out the ticket or bump it down in this instance.

Sandra Nadohl: Ms. Nadohl inquired if the law referred to violations whether they occur during the day or night.

Mayor Kohut: The Mayor responded that it does not matter what time of day or night and the Code has to be adhered to. The only restriction would be construction noises, however, there are set hours that construction noises are allowed.

Arti Taub, 3304 Leewood Drive: Mr. Taub inquired who the person would be to make the distinction on the noise level.

Mayor Kohut: The Mayor responded that the Police would have to make that decision and issue a ticket so they would have to be called right away to respond to the complaint.

Emily Dominguez: Trustee Dominguez inquired about festivals that are held in the Village.

Jay Hood, Jr., Esq.: Counselor Hood responded that special permits are required for festivals and it is a special day that only occurs a few times throughout the year.

Mel Post: Mr. Post inquired if it is up to the Police Officer or if there is a schedule of noise level decibels to be followed.

Mayor Kohut: The Mayor responded that there is a decibel aspect to the law, which is difficult to enforce so it would most likely be up to the officer to make that decision.

Mayor Kohut entertained a motion to close the Public Hearing.

RESOLUTION #246-2014

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

Mayor Kohut entertained a motion to approve the amendment to the Village Noise Ordinance.

RESOLUTION #247-2014

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

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

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

VILLAGE TREASURER, Judith Curcio: Ms. Curcio had nothing to report.

MAYOR'S REPORT, Mayor Kohut: The Mayor reported that the Board is required to approve the newly established position of Telephone Operator/Typist Spanish Speaking for the DPW.

Mayor Kohut entertained a motion to approve this newly created position as stated above.

RESOLUTION #248-2014

Motion by: Emily Dominguez

Seconded by: Terence Watson, Jr.

Motion Carries: All

The Mayor reported that the position of Sr. Clerk at the Community Center has to be reclassified to Receptionist/Typist Spanish Speaking.

Mayor Kohut entertained a motion to reclassify the vacated position at the Community Center as stated above.

RESOLUTION #249-2014

Motion by: Francisco Batista

Seconded by: Emily Dominguez

Motion Carries: All

Mayor Kohut entertained a motion to hire Vanessa Lopez to fill the position of Receptionist/Typist Spanish Speaking at the Community Center pending approval by Personnel to change the title.

RESOLUTION #250-2014

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion Carries: All

Mayor Kohut entertained a motion to approve a Wedding Permit for use of the gazebo at Emeline Park on September 27th, 2015. The couple has filled out all the required paperwork and will pay the requisite fee of \$1,000.00 to use the facility.

RESOLUTION #251-2014

Motion by: Emily Dominguez

Seconded by: Rafael Bueno

Motion Carries: All

The Mayor received the following budget adjustments from Village Accountant Joseph Modafferi for approval by the Board:

Acct. #	Acct. Name	Increase Appropriations	Decrease Appropriations	Increase Revenue
A.8510.0400	Beautification	\$6,000.00		
A.1990.0400	Contingent		\$6,000.00	

To cover cost of the entry way-Haverstraw Fountain and estimated additional cost through 5/31/15.

A1110.11	Justice Court	\$2,360.03		
A1410.11	Clerk/Treasurer	\$1,224.30		
A1421.1	Reachout	\$5,249.84		
A7140.1	Recreation	\$3,284.14		
A3620.1	Building Dept.	\$1,992.47		
A5110.1	DPW	\$17,863.38		
A5010.1	DPW Admin	\$ 6,523.30		
A1990.41	Contingency		\$38,497.45	

Mayor Kohut entertained a motion to approve the above stated adjustments to the budget.

RESOLUTION #252-2014

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

The Mayor scheduled a hearing for November 3rd for the removal of Jency Peralta, a member of the Planning Board, for failure to attend meetings. He also requested Counselor Hood to send out a requisite notice to Mr. Peralta.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #253-2014

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

The Mayor then announced the following upcoming events:

- 1) North Rockland Rotary Spaghetti Dinner held at the Central Presbyterian Church on Friday October 24th at 5:00 PM.
- 2) The 42 Club Annual Pork Dinner on Friday, November 7th at 5:00 PM to be held at the Knights of Columbus.
- 3) Cosgriff Hose Co. #4 will be holding a Wing Night at the Haverstraw Elks Club at 7:00 on Friday, October 24th.

The Mayor thanked Karen Bauman, Director of the Arts Program at the North Rockland School District, for her time and efforts with the 60 kids from the program who came to Village and painted Halloween scenes on the windows of businesses in the downtown area. The residents of the Village were very happy to see this tradition return. The youth and the store owners were very pleased with the outcome of this day. The Mayor then mentioned that the Children's Halloween Parade will take place through the Village on Halloween starting at 5:00 PM at the Community Center followed by a Costume Contest and treats at the Community Center, as well as awards being presented for the best window paintings.

The Mayor had nothing further to report.

Mayor Kohut:

REPORTS OF STANDING COMMITTEES

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

PUBLIC WORKS, BUILDINGS & GROUNDS – **Trustee Terence Watson:** Trustee Watson read the following report submitted by George White, Superintendent of Public Works, as of October 20th, 2014:

- 1) One DPW worker assisted in the hauling of the Fire Trailer for Fire Prevention Week activities.
- 2) Completed the “water shed” at the DPW garage.
- 3) Yaboo Fence installed a fence at the DPW yard.
- 4) Trimmed back over hanging trees on village streets.
- 5) DPW workers were given drug and alcohol testing. All passed.
- 6) Removed damaged American flags and banners from utility poles.
- 7) Repaired catch basin at 73 Gurnee Avenue.
- 8) Started preparing trucks for the winter season.

Trustee Watson had nothing further to report.

YOUTH & FAMILY SERVICES - **Trustee Francisco Batista:** Trustee Batista had nothing 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 October 6th through October 17th, 2014:

Rental property inspections	-	0
Municipal searches	-	1
Miscellaneous inspections	-	78
Construction inspections	-	16
Complaints	-	9
Violations & tickets	-	1
Permits/C.O.'s	-	10

Trustee Dominguez had nothing further to report.

MINUTES: The Mayor presented the minutes of the Regular Meetings of August 15th, September 15th and September 28th, 2014 for approval by the Board. With only one member of the Board having reviewed the minutes, they were tabled for the next meeting.

Mayor Kohut:

OLD BUSINESS

None.

Mayor Kohut:
NEW BUSINESS

Mayor Kohut:
2nd PUBLIC PARTICIPATION

Larry Levine: Mr. Levine mentioned that he went on the Village Website and the message from the Mayor was dated 2012.

Mayor Kohut: The Mayor does realize that his message is outdated, however, at this point in time and with many issues to be worked on, he is waiting to put up a new message for 2015.

Noel Rappaport: Mr. Rapport thanked the Board for putting the lights on the new sign on New Main Street and Route 9W.

Mel Post: Mr. Post inquired how long it takes to get the minutes up on the website.

Judith Curcio, Clerk/Treasurer: Ms. Curcio informed Mr. Post that it takes a few days to get the minutes on the website once they are approved.

Sandra Nadohl: Ms. Nadohl made a suggestion to have a well informed high school student put the minutes on the website.

Mayor Kohut: The Mayor responded that the Village is looking to have the website revamped to make it more user friendly so the staff can input any information for the public to view.

Arti Taub: Mr. Taub inquired if there have been any decisions on the Maple Avenue apartments.

Mayor Kohut: The Mayor responded that nothing has been decided and the Board would be meeting with the applicants Monday, October 27th at 7:00 PM, which is open to the public, however, as this is not a Public Hearing there will be no public input allowed.

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 #254-2014

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

Respectfully submitted by,

Beverly A. Swift
Senior Steno Clerk