

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Tuesday, January 20, 2015, beginning at 8:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL	Trustee Batista	- Present
	Trustee Bueno	- Present
	Trustee Watson	- Absent
	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 requested an update on the Tilcon issue that was supposed to be taken care of by the end of December.

Mayor Kohut: The Mayor responded that he emailed John Cooney and received a response from him the previous Monday. Mr. Cooney informed the Mayor that Tilcon is still in the process of working on the issue regarding the mountains of piles on their property and he would get back to the Mayor as soon as the problem is resolved to their satisfaction. To date the Mayor has not heard anything further.

Mel Post: Mr. Post then inquired if Mr. Cooney would be agreeable to a meeting with residents from Harbors.

Mayor Kohut: The Mayor felt they should wait and see what Tilcon is planning before going any further.

Mel Post: Mr. Post then requested an update on the discussions with Mr. Ginsburg regarding the settlement of the \$6.5M.

Mayor Kohut: The Mayor stated that the Village attorneys have spoken with Mr. Ginsburg's attorneys; however, to date the Village has heard nothing from them. With no further input from the public, the Mayor moved forward with the meeting agenda.

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: Counselor Hood was absent from the meeting due to a meeting of the County Legislature that he had to attend.

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

MAYOR'S REPORT, Mayor Kohut: The Mayor requested authorization to sign the SNUG Grant, a violence interruption grant, with the County of Rockland in the amount of \$42,000.00, which will be administered through the Community Center. This project will aid children and young people to refrain from violence and other illegal behavior.

Mayor Kohut entertained a motion authorizing him to sign the SNUG Grant as stated above.

RESOLUTION #5-2015

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

The Mayor received a request from the Building Inspector, Ruben Berrios, for himself, Patrick McNamee and Rafael Bueno Jr. to attend a NYSBOC Conference at the Fire Training Center from April 28th through April 30th at a cost of \$275.00 per person.

Mayor Kohut entertained a motion to approve the request for the Building Department officials to attend a Building Officials Conference as stated above.

RESOLUTION #6-2015

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

The Mayor reported that there are a couple of defective windows on the 2nd floor of the Municipal Building/Firehouse at 25 Fairmount Avenue, which need to be replaced. A proposal was received from Andres Construction to install new windows, including labor and material, at a cost of \$1,279.00.

Mayor Kohut entertained a motion to have the windows replaced at the Municipal Building as stated above.

RESOLUTION #7-2015

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

The Mayor received a request from the Village Clerk for authorization to join a Fred Pryor Training Rewards Program at a cost of \$199.00 per year to allow webinar training access for hundreds of programs related to municipalities, for all Village employees.

Mayor Kohut entertained a motion to authorize the Village Clerk to sign up for a training program for the Village staff as stated above.

RESOLUTION #8-2015

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

The Mayor reported that Joseph Modafferi, CPA, Village Accountant, is turning his business over to his daughter Shannon Modafferi, CPA. Ms. Modafferi has submitted an Engagement Letter listing the services that her firm will provide, at a cost of \$6,156.00 per year. The contract for the accounting firm remains the same, except for the name change.

Mayor Kohut entertained a motion to sign the Engagement Letter under the new name, effective through May 31st, 2015.

RESOLUTION #9-2015

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

The Mayor read the following Budget Adjustments received from the Village Accountant, Joseph Modafferi:

	<u>Acct. #</u>	<u>Increase</u> <u>Appropriations</u>	<u>Decrease</u> <u>Appropriations</u>	<u>Increase</u> <u>Revenue</u>
Beautification	A8510.0400	\$ 2,000.00		

Farmers Mkt.	A6989.0420	5,550.00	
Summer Camp			
Personnel Serv.	A7310.0120	7,700.00	
Engineer Ferry	A1440.0410	10,000.00	
Board of Trustees	A1010.0400	500.00	
On-Street Parking			
Equipment	A3320.0200	1,725.00	
Contingency	A1990.0400		\$27,475.00
State Aid	A0000.3089		\$36,744.00
Data Processing			
(SARA Grant)	A3168.0400		36,744.00
Serial Bond	A0000.5710		6,500,000.00
Judgments & Claims			
(AAA Settlement Bond)	A1930.0400		6,500,000.00

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

RESOLUTION #10-2015

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

Stuart Suchotliff, 1413 Round Pointe Drive: Mr. Suchotliff requested an explanation of the ferry expenses in the budget.

Mayor Kohut: The Mayor explained the money was used by the Village Engineers to do necessary paperwork in order to close out the Ferry Grant with the State and Federal Highway Administration.

Stuart Suchotliff: Mr. Suchotliff then inquired about the \$6.5M GDC negotiations and budget amendment. It is his understanding that the Village wants to negotiate the \$6.5M and Mr. Ginsburg's stance is against that. He also inquired about the Village's proposal to Mr. Ginsburg.

Mayor Kohut: The Mayor responded that the revenue was increased because the Village was mandated by the State to pay AAA Electric, therefore the Village had to take out a \$6.5M Bond, which in turn decreased the appropriations line by the same amount. The Village had been incurring interest at the rate of approximately \$600.00 per day. The Mayor then explained that the Village's proposal was for GDC to pay the entire \$6.5M because the Land Acquisition & Development Agreement with the developer states that any properties the Village would take via "Eminent Domain" on behalf of GDC, Mr. Ginsburg would absorb all costs incurred for that property, including the Eminent Domain judgment.

Stuart Suchotliff: Mr. Suchotliff then inquired if the Village would consider paying half the amount if Mr. Ginsburg paid the other half.

Rafael Bueno: Trustee Bueno stated that the Village would not consider that because it would be paid with taxpayers' money and the Village cannot do that.

Stuart Suchotliff: Mr. Suchotliff then asked if the Village Attorney recommended the Village pay half of the \$6.5M, would the Village agree to that.

Mayor Kohut: The Mayor responded if that was the offer from Mr. Ginsburg, the Village would not accept it.

Stuart Suchotliff: Mr. Suchotliff feels that the Village taxpayers cannot afford to have their taxes raised to pay for the \$6.5M debt.

Mel Post: Mr. Post is concerned that somewhere in the arrangement there might be some discussions about a tax abate and how that would work through with Mr. Ginsburg giving and getting and might still end up on the backs of the taxpayers.

Mayor Kohut: The Mayor responded “not at this time” to the tax abate question, however, he stated that Mr. Ginsburg does have the right to challenge the AAA Electric assessment, which would then be a completely separate issue.

Stuart Suchotliff: Mr. Suchotliff inquired if the property now being occupied by an automotive repair company is a part of the AAA Electric issue to which the Mayor responded “yes”. His interpretation of Eminent Domain meant taking a parcel for the good of the public, therefore, he questioned how the Village can justify taking that property by Eminent Domain.

Mayor Kohut: The Mayor responded in this case, it was wasteland; derelict commercial property that had not been used for 20 years. When the opportunity came about to do Urban Renewal on the property and create a new community in an area where none existed before, to increase the tax base for the Village, and to increase the population and diversity of the Village, all were justifiable reasons for the Eminent Domain process to be used.

Mayor Kohut: The Mayor then entertained a motion to open the Public Hearing regarding the 2015 Community Development Block Grant (CDBG) applications.

RESOLUTION #11-2015

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

The Mayor explained that the CDBG is a grant that awards funds to communities across the Country for various uses based upon income and needs in the community and because of the Village of Haverstraw demographics; the Village is one of the largest recipients in Rockland County. The program is run through the Rockland County Community Development Agency and is a consortium of all the municipalities in Rockland County who receive a pool of funds which is then split by a team of people who review the applications to decide which are the most advantageous to the community involved and then allocate the funds accordingly. The program is federally funded and approximately \$1.4M per year is given out through this grant. The Village of Haverstraw has been a recipient of these funds for many years and has received between \$80,000.00 and \$125,000.00 per year. By law each municipality must hold a Public Hearing to review the applications before being sent to the Community Development Office.

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

RESOLUTION #12-2015

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

The Mayor then presented the following applications for approval by the Board:

- 1) Head Start: \$9,900.00 for the “Healthy Children Initiative” which aims to promote healthiness, lower body mass index’s and fight obesity at a young age through specialty programs. The grant would cover 18 bi-weekly sessions at \$550.00 per session and would directly benefit approximately 234 low income children in our area.

2) Village of Haverstraw: \$200,000.00, which is the maximum a municipality can request, for the continuation of the Streetscape Project.

Mayor Kohut entertained a motion to approve the above applications for filing with the Rockland County Community Development Office.

RESOLUTION #13-2015

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

The Mayor had nothing further to report.

Mayor Kohut:

REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – Trustee Rafael Bueno: Trustee Bueno reported that there were 2 structure fires this month, the first on Hudson Avenue and the second on South Street where violations were issued for an illegal apartment.

Trustee Bueno had nothing further to report.

PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson: In the absence of Trustee Watson, no report was given.

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 January 1st through January 16th, 2015:

Municipal searches	-	11
Miscellaneous inspections	-	94
Construction inspections	-	17
Complaints	-	5
Violations & tickets	-	21
Permits/Certs. of Occupancy	-	5

Trustee Dominguez then mentioned that she joined members of the Building Department when they inspected the new building at the Harbors, which she stated was a great learning experience for her. She then took a drive with the Fire Inspector to look at the remains of the structure fires that occurred this month in the Village. She felt the Board might want to consider increasing penalties and fines to property owners.

Mayor Kohut: The Mayor stated that Ruben Berrios, Building Inspector, has spoken to Counselor Hood in that regard, mentioning that normal circumstances with an illegal apartment the Village Code reads that every day of the violation a \$1,000.00 fine will be issued and violations are then continuously sent until the violation is corrected. In the case of a fire, however, all that is allowable is a 1 day fine because the violation ceases with the fire. Building Inspector Berrios, therefore, would like to increase the amount of the fine to \$10,000.00, which would allow him to go to court to fight on the Village's behalf.

Trustee Dominguez also mentioned that these types of fires with illegal dwellings put the safety of the firefighters at risk, especially with this particular fire which still had live wires in the building after O&R turned off the power.

Trustee Dominguez had nothing further to report.

Mayor Kohut: The Mayor then brought up the proposal the Village received from AAA Cooleration Service in the amount of \$6,995.00 to furnish all materials and labor necessary for completion of the installation of a Refrigeration Condensing Unit and matching evaporator and heated drain line for the walk-in box closest to the parking lot at the 16 Front Street property.

Mayor Kohut entertained a motion to approve the proposal by AAA Cooleration Service as stated above.

RESOLUTION #14-2015

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

Mayor Kohut:
OLD BUSINESS
None.

Mayor Kohut:
NEW BUSINESS
None.

Mayor Kohut:
2nd PUBLIC PARTICIPATION

Mel Post: Mr. Post inquired how the Village Law actually reads in regard to illegal apartments and if there is a way to inspect these questionable buildings before a fire occurs.

Mayor Kohut: The Mayor replied that by state law the Village has very little jurisdiction in 1 and 2 family homes. He stated that the Inspectors can always get into common areas of multi-family dwellings, but have no rights at all with 1 and 2 family dwellings.

Mel Post: Mr. Post thought the idea of checking for the number of TV antennas on a particular home might be one way of checking for an illegal apartment.

Mayor Kohut: The Mayor explained that would not be an appropriate reason to inspect a home because some antennas may be left up when a different installer puts his antenna on the roof. There has to be probable cause to enter any building. Over the years case law has spelled out what is required to enter a building for inspection purposes; examples include multiple meters, multiple mailboxes, etc. when it is supposed to be a 1 family residence. These examples are more of an indication that there is more than 1 family residing at any location. The Village does have an Apartment Registration Law, which is being utilized to protect the Village, as well as the landlord and the tenant, and it also allows for inspections to be done periodically. There are, however, so many rental units in the Village it would be too hard to visit every one annually.

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the meeting in honor of Henry Aaron, a long time business owner in the Village who recently passed away. Mr. Aaron was the owner/proprietor of the Village Shop on Main Street for approximately 50 years before retiring.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #15-2015

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

Respectfully submitted by,

Beverly A. Swift, Senior Steno Clerk