

The minutes of the Regular Meeting of the Village of Haverstraw Board of Trustees on Monday, September 19, 2016, beginning at 7:00 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 inquired what the timeline is for the Streetscape Project.

Mayor Kohut: The Mayor responded that according to the contract, the contractors are obligated to complete the project in 450 days, however, because of a variety of delays and facing 2 winter seasons instead of 1 it will probably be completed in 2018.

Noel Rappaport: Mr. Rappaport complimented the DPW on the great job they are doing. He then requested the Board send out notices to all the downtown merchants about not using the municipal garbage cans for their business trash, mentioning a specific incident he saw with the business next door to his.

Mayor Kohut: The Mayor believes there is going to be a new owner taking over that establishment, but he thanked Mr. Rappaport for the information informing him that the Board is aware that several business establishments are using the municipal garbage pails.

Stuart Suchotliff, 1313 Round Pointe Drive: Mr. Suchotliff inquired if the Streetscape Project had begun yet because he did not see anything happening in the area of the Post Office. He also inquired if this is being done through the Grant the Village received for streets and sidewalks.

Mayor Kohut: The Mayor informed Mr. Suchotliff that the sidewalks currently being worked on run from the railroad tracks down toward Clove Avenue, which began about 2 weeks ago and was not a part of the Grant he was referring to. He explained that part of the Streetscape Project is granite curbing in the business district, however by the time the Village was ready to start the curbs and sidewalks downtown, the available granite was sold to other people, which would have delayed the entire project. The Board decided then to install the new sidewalk from the top of New Main to Clove and once they have completed that installation, they will start the sidewalk project by the Library, coming up that side of New Main Street to Broadway.

Stuart Suchotliff: Mr. Suchotliff inquired if anything is happening with the garage on Dr. Girling Drive, to which the Mayor responded "No". He then inquired if Mr. Ginsburg has presented any new plans to the Board.

Mayor Kohut: The Mayor replied that he believes he will be presenting plans, but to date Mr. Ginsburg has not presented anything to any Board.

Stuart Suchotliff: Mr. Suchotliff requested information regarding the \$1.1M in additional money the attorney's wanted for litigation purposes.

Mayor Kohut: The Mayor responded that the Village has advised their attorney on the matter to appeal.

Stuart Suchotliff: Mr. Suchotliff inquired if there is a time limit on the appeal to which the Mayor responded the Village is well within the time limit.

Mel Post, 1422 Round Pointe Drive: Mr. Post requested an update on the Village Website. He has noticed that some parts are somewhat current and others are behind and some local events are not even listed.

Mayor Kohut: The Mayor informed Mr. Post that it is because some of the departments still have to get their completed information to the Board for posting and the Village is working on getting everything updated as quickly as possible.

Emily Dominquez: Trustee Dominquez informed Mr. Post that the new Website will have to go down completely before the new Website can start up. The new site she explained will have special features such as "How can I help you?". It will also have information on what the Village is currently working on and it will contain links to Rockland County Tourism for example and it will list events happening throughout North Rockland, etc.

Trustee Dominguez further explained that when the current site was built there were some back end issues that the Village could not access and there have been a lot of logistical problems because of that. She then mentioned that the new Website will be accessible to all the Department Heads, the Mayor and the Village Clerk, which will make it easier for everyone to upload information.

Mel Post: Mr. Post then inquired if there is actually a 5 or 10 year plan for the Village to move forward into the future.

Mayor Kohut: The Mayor explained that the Board currently has a schedule for what needs to be done for the infrastructure.

Mel Post: Mr. Post feels all plans for the Village should be advertised so anyone thinking about opening a business anywhere in the County might consider the Village of Haverstraw based on what is being presented for the future.

Mayor Kohut: The Mayor explained that would cost a lot of money, time and effort and currently the Board is concentrating on infrastructure and completing the Streetscape Project, what the Board considers to be priority items and cannot spend the time or resources on attempting to produce a 10 year plan that can change over and over again during those 10 years. If in a few years the Village can get most of these items completed, then the Board can move their focus to other things. He further informed the public that people are coming in to talk about new ventures and also that the County is helping the Village toward that goal. The Mayor explained that the Village of Haverstraw is a small municipality with a small staff and if the Village turns to outside people it will cost a small fortune to do anything. He did report that the Board is working on creating a new comprehensive plan that can move the Village forward as far as zoning, etc and that we will be applying for a grant to fund the work.

Gil Musinger, 1416 Round Pointe Drive: Now that the Streetscape has started, Mr. Musinger inquired if the Village is taking any steps to get rid of the ground floor apartments in the downtown area.

Mayor Kohut: The Mayor responded that ground floor residences pre-existed the zoning regulations, therefore the Village cannot force a property owner to change what previously existed. The Village has offered property owners inducements to do so, however, when a property owner can get more money for a ground floor apartment than he can for a storefront, there is not a lot of incentive to switch over.

Larry Levine, 1414 Round Pointe Drive: Mr. Levine wondered why there isn't more published in the newspapers and other media about what is happening throughout the Village.

Mayor Kohut: The Mayor responded that the Village does not have a social media expert, a publicist, etc. on staff to handle anything of that type. The Village has a staff to work servicing customers with everything from selling bus tickets, collecting taxes, providing municipal information, directions, helping solve whatever issues anyone brings to the Village. When individual organizations, churches, etc. have an event the Village always urges them to use the media for their events. With the new Website, the departments will have the capability to load their information to the Village site. The Village just does not have the staff to do social media, advertising, etc. in house.

Stuart Suchotliff: Mr. Suchotliff feels that with the Hispanic presence in the Village that the Website should be bi-lingual.

Emily Dominguez: Trustee Dominguez responded that the Board did consider that while going through every aspect of a new Website and they are hoping to make that happen.

Stuart Suchotliff: Mr. Suchotliff then inquired if there is anything happening with the GDC lawsuit.

Mayor Kohut: The Mayor responded that there are no changes.

Mike Sansonetti, 4 Coolidge Street: Mr. Sansonetti was there on behalf of the Upper Level Softball Division District 18 Rockland County and the Haverstraw Little League to present the Village with their 2nd consecutive photo of the Senior League Girls Softball Championship Team.

Mayor Kohut: The Mayor informed everyone that the League plays their games the entire season at the Manny Lopez Baseball Field, which is a Village field. A tournament was held in July at the field and the girls beat all the other teams involved in the tournament. THE GIRLS RECEIVED A ROUND OF APPLAUSE FROM THE PUBLIC. The Board congratulated the team on their success again this year.

With no further input from the public, the Mayor continued with the agenda for that night's meeting.

Mayor Kohut:

REPORTS OF VILLAGE OFFICIALS

VILLAGE ATTORNEY, Jay Hood, Jr.: Counselor Hood informed the public that the new owners of the former Westbrook's Bar on Route 9W in the Village would like to open a Dog Day Care/Hotel & Spa at that location, which is currently not an allowed use. The Village, therefore, will have to make a change to the Zoning Law, Section 245, and declare itself as Lead Agency.

Mayor Kohut entertained a motion to declare the Village as Lead Agency for the review of Section 245 regarding changes to the Zoning Law to possibly allow a Doggie Hotel & Day Care on the highway business district.

RESOLUTION #204-2016

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

Counselor Hood then requested the Board to refer this matter to the Planning Board for an advisory opinion.

Mayor Kohut entertained a motion to refer the request for a Dog Day Care/Hotel & Spa to the Planning Board for their opinion.

RESOLUTION #205-2016

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

Counselor Hood then mentioned that a meeting was scheduled for the following day at Building T with regard to the "quiet zones", which is a good move for everyone. He mentioned the Federal and State funding is still available for this project and hopefully things will move forward quickly adding some much needed silence along the railroad route going through the Village and a better quality of life to everyone involved. This proposal is for every railroad crossing in Rockland County, making them all much safer and quieter.

Mayor Kohut: The Mayor explained that the purpose is to make all train grade crossings in Rockland so safe that neither cars or pedestrians could get through them and there would no longer be a need for trains to blow their whistles when approaching a railroad crossing.

Emily Dominguez: Trustee Dominguez inquired of Counselor Hood, as Legislature, if he had any update on the Taxi Law.

Jay Hood, Jr., Esq.: Counselor Hood responded that he will have to contact the County attorney again as they were supposed to have sent him something last week.

Counselor Hood had nothing further to report.

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

MAYOR'S REPORT, Mayor Kohut: The Mayor updated some of the current projects taking place in the Village, as follows:

- 1) Sidewalks and driveways are being repaired at Village on the Green. He explained that the Village is under contract with Orange & Rockland

(O&R) to do these repairs which were incurred when the gas main project went through. The Village would then pave the streets, with the funding coming from O&R.

- 2) Streetscape Update: This project began approximately 3 weeks ago with the installation of sidewalks and curbing between Clove Avenue and the railroad tracks. They will be there for a few more weeks and then will move down to the vicinity of the Library working their way up that side of Main Street and then to the Village Hall side of New Main Street and then finally to Broadway as soon as the old utility poles have been removed and replaced with the new ones.

The Mayor received a request from the Justice Court for the Board's approval to forward a JCAP Grant Application which will be used to purchase much needed new window blinds and cleaning of the courtroom and office carpeting amounting to \$2,365.00.

Mayor Kohut entertained a motion to authorize the Justice Court to apply for the JCAP Grant as stated above.

RESOLUTION #206-2016

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

The Mayor reminded everyone that the Chair Factory property was condemned and taken by the Village in 2008, at which time an appraisal was done and the Village paid the owners \$1.2M for the property. Now, 7 years later, the issue is finally going to trial and the Village has had another appraisal done by a different appraiser, who will also be the trial appraiser, and he has said that the minimum value at the time should have been \$2.4M. The Mayor then reported that there is also interest that has accrued from 2008 to the present time and in order to stop the running of interest, the Board's counsel has suggested that the Village put the difference into an account to be held by the Court, which would stop the interest accumulating from the date the funds are deposited. A Bond Resolution has been drawn up authorizing the issuance of \$1.8M Bond with the Village paying part of the cost of the acquisition fee on the property at 30 Liberty Street in and for said Village and to increase the estimated maximum cost thereof to \$3.3M an increase of \$1.8M over that previously authorized, all by amending a prior bond resolution adopted January 10th, 2010 and amended January 5th, 2015.

Mayor Kohut entertained a motion to adopt the Bond Resolution as stated above for the property at 30 Liberty Street.

RESOLUTION #207-2016

Motion by: Terence Watson, Jr.
Seconded by: Francisco Batista
Motion Carries: All

ROLL CALL VOTE:	Trustee Batista	- Yes
	Trustee Bueno	- Yes
	Trustee Watson	- Yes
	Trustee Dominguez	- Yes
	Mayor Kohut	- Yes
		Motion passes.

The Mayor received the following budget amendments for the 2016-2017 Budget from Joseph Modafferri, Village Accountant:

<u>Acct. #</u>	<u>Acct. Name</u>	<u>Appropriations</u>	<u>Appropriations</u>
A1989.04	Grant Writer	\$ 600.00	
A1990.04	Contingent		\$ 600.00
A1440.041	Engineer Ferry Grant	\$ 8,800.00	
A1990.0401	Contingent		\$ 8,800.00
A1010.04	Board of Trustees	\$ 300.00	
A1990.0401	Contingent		\$ 300.00
A1310.04	Accounting Contractual	\$ 1,344.00	
A1990.0401	Contingent		\$ 1,344.00
A8120.04	Sanitary Sewers	\$ 15,000.00	
A1990.04	Contingent		\$ 15,000.00

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

RESOLUTION #208-2015

Motion by: Emily Dominguez

Seconded by: Francisco Batista

Motion Carries: All

The Mayor reported that there is a hearing scheduled for September 29th, 6:00 PM at the Rockland County Legislative Chambers in New City with regard to a proposed increase in water service rates for Suez Water and all interested parties are invited to attend and comment on this proposal.

The Mayor announced the Riverarts Festival held at Emeline Park that past Saturday was a huge success with great weather and approximately 800 people attending. Some adults and children got to work on a community tile project which will be hung outside the Village Hall upon completion. People also got to see 4 different artists at work, listen to music, and enjoy some food and a beautiful day by the river.

The Mayor had nothing further to report.

Mayor Kohut:

REPORTS OF STANDING COMMITTEES

FIRE & ORDINANCES – **Trustee Rafael Bueno:** Trustee Bueno submitted the following application(s) for admittance to the Haverstraw Fire Department:

Manuel Germosen	-	General Warren Hose Co. #2
Johnathan Germosen	-	General Warren Hose Co. #2
Michael Finnerty	-	Lady Warren Hose Co. #5

The applications are complete and duly notarized.

Mayor Kohut entertained a motion to accept the above stated candidates into the Haverstraw Fire Department assigned to their designated companies.

RESOLUTION #209-2016

Motion by: Rafael Bueno

Seconded by: Emily Dominguez

Motion Carries: All

Trustee Bueno had nothing further to report.

PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson:

Trustee Watson read the following report submitted by Robert Drexler, Superintendent of Public Works, as of September 16th, 2016:

- 1) Staff continued to paint all stop bars and crosswalks throughout the Village.
- 2) Blacktopped Hillside and Highland Avenues.
- 3) Cut, trimmed and mulched at Emeline Park, as well as placing 3/8 inch stones on all pathways in the park.
- 4) Repaired 8 catch basins and 1 sewer top at Village on the Green.
- 5) Took down American flags and put up fall banners throughout the Village.

Mayor Kohut reported that the electronic controls for the gas and diesel fuel pumps at the DPW have failed and need to be replaced.

Trustee Watson received 2 proposals, the lowest one being from American Petroleum in the amount of \$15,095.00. They will replace the master software, provide training and operation of the new system and also removal and disposal of the existing failed system. The other proposal amounted to \$15,995.00 from Optimum Environmental Services.

Mayor Kohut entertained a motion to accept the proposal of American Petroleum as stated above.

RESOLUTION #210-2016

Motion by: Terence Watson, Jr.

Seconded by: Rafael Bueno

Motion Carries: All

Mayor Kohut: The Mayor then mentioned that there are still old oil tanks at the DPW location that were used to heat the DPW garage and are no longer used and need to be removed. He reported that it used to be fine to leave those tanks in place; however, the State and County want to have all those tanks removed from their current locations by certified agents. The Village received 2 proposals, which need to be discussed further before approving an agent to remove the oil tanks.

Trustee Watson had nothing further to report.

YOUTH & FAMILY SERVICES - Trustee Francisco Batista: Trustee Batista read the following report of activities at the Community Center for the period of September 7th through September 19th, 2016:

HAYERSTRAW COLLABORATIVE: The Collaborative, a group of service providers, meet monthly to plan and promote activities for the betterment of the Community. They will meet again on Wednesday, October 5th, 12:00 PM at the Center.

HOMEWORK HELP PROGRAM: The Center's homework help program began on September 6th, the first day of school, with 65 students from Grades 3 through 12 enrolled. The program runs from 3:00 to 6:00 PM Monday through Friday.

LATE NIGHT FRIDAYS: This program is run by staff member Tim Sanders and will begin on Friday September 23rd from 6:00 to 9:00 PM for children in grades 3 through 12. The youth attending this program will be able to play basketball, use the computer room, play games, etc. in the safety of the Haverstraw Center.

CELEBRATING FAMILIES: The Center's staff, will be attending this free 2½ day training seminar at the Fire Training Center on September 19th, 20th and 21st. Training is for a new program that is being introduced at the Center in conjunction with the Department of Social Services.

Other programs available and ongoing at the Center during this time period are:

- 1) Individual/Family Counseling/Assessments.
- 2) Managing Emotions
- 3) Butts Out/Smokers Aftercare
- 4) Project Shift (A Call to Action)
- 5) Girl's Life Skills - Ages 11 to 14 and Ages 8 to 10
- 6) Sharpshooters
- 7) Boy's Life Skills - Ages 11 to 14
- 8) In the Bag

Anyone interested in information regarding any of these programs can visit the Village of Haverstraw Website or can contact any staff member at the Haverstraw Center.

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 September 5th through September 16th, 2016:

Rental registrations	-	1
Municipal searches	-	3
Miscellaneous inspections	-	127
Complaints	-	9
Construction inspections	-	8
Building Permits & C.O.'s	-	5
Violations/Tickets	-	26

Fines collected at Court - \$3,000.00

Trustee Dominguez had nothing further to report.

Mayor Kohut:

OLD BUSINESS

None.

Mayor Kohut:

NEW BUSINESS

None.

Mayor Kohut:
2nd PUBLIC PARTICIPATION

Stuart Suchotliff: Mr. Suchotliff was under the impression that the appraisal for the Chair Factory was \$1M and now the public is hearing the appraisal is \$2M for the value of the property. He does not understand how the appraisals could be that far off on the same property. He feels that everyone is suffering because these burdens fall on the taxpayers and the Village does not have the tax base to continue bonding for these issues and problems.

Mayor Kohut: The Mayor responded that he could not explain the difference between the first and second appraisal. He reported that the Village hires professionals with the expectation that they will do a competent job. He is not saying anybody was incompetent, however, the original appraiser gave the Chair Factory a value of \$1.2M and the Village attorney used that appraisal to move forward. The Village has now switched attorneys and appraisers because of bad experiences with the Harbors lawsuit. The Village has tried to negotiate a fair settlement to no avail. He feels the only thing the Village can do now is go through with the lawsuit which will give the Village a definite valuation on the property and then try to find someone to develop the property that would hopefully pay the Village enough money to pay down that debt and put that property back on the tax roll.

Judith Curcio: Ms. Curcio explained that if the Village bonded for money in October of this year, the first payment would be due in October of the following year and then, depending on whether the Village decides to BAN (Bond Anticipation Note) or obtain a Serial Bond, the frequency of the payments will change.

Mayor Kohut: The Mayor explained that the Village is going to try to manage it explaining that if the Village "BANs" it they would pay only the interest for that year and renew it for up to 5 years, at which point the "bond" payment would be reduced and the principal would have to be paid over a longer period of time. If the municipality believes that its obligation is going to be resolved in that period of time, often a BAN makes more sense at a lower interest rate.

Judith Curcio: Ms. Curcio added that the last BAN interest rate was just over 2%.

Mayor Kohut: The Mayor stated that it is up to the municipality to manage having as little an impact on the public as possible. The Board is trying to do the best they can at this point in time to make everything workable.

Stuart Suchotliff: Mr. Suchotliff then requested information on the Maple Avenue townhouses.

Mayor Kohut: The Mayor responded that to the new owners have not come forward with anything beyond the initial proposal which was circumstantial.

Mel Post: Mr. Post wanted to know if the Village could bring a lawsuit against the original attorneys and appraisers because they did not do their job in an acceptable manner being so far off with the amount of money involved.

Mayor Kohut: The Mayor explained that there is no money to get from the attorney because there is no malpractice insurance, however, with the

appraisers, it's hard to say that they were wrong as they may value the property on a different basis, which may not be the same basis as the current appraisers have done, appraising it at the highest and best use of the property as a light industry, which the property had been for years. The new appraisers based their appraisals on the waterfront development, therefore, the courts are also looking at what it can or should be used for today, which accounts for some of the difference. The previous attorneys were Watkins & Watkins; the present attorneys are Zarin and Steinbech.

Mel Post: Mr. Post feels if there is someone stating that the job was insufficiently done in the first place the courts will bare that out, but if they bare out that it was insufficiently done he feels the Village would have a legal case against that appraisal agency.

Terrence Watson, Jr.: Trustee Watson's thoughts on the matter was not that it was insufficiently done, but that it was based on different criteria than what the current appraisers use, saying the appraisal should have been based on the development of a Harbors community. The conditions were totally different when both appraisals were done.

Jay Hood, Jr., Esq.: Counselor Hood tried to clarify the problem by explaining that these types of decisions were not made back in the day. The subsequent decisions are based on residential units and how many the contractor can get. The light industrial is not going to work to bring forth a lawsuit on something that was done so many years prior. The appraisers and attorneys were just using what they had to go by at the time.

Mayor Kohut: The Mayor reported that the Village attorney's have advised the Board that there is nothing they can do against the previous appraisers, stating that he does not even know what the statute of limitations would be for something like this.

Jay Hood, Jr., Esq.: Counselor Hood stated that there is always a financial impact from any litigation and it might end up costing the Village \$1M to go through a lawsuit and most times it is just not worth it.

Mel Post: Mr. Post inquired if the Village is out of extension agreements with Mr. Ginsburg.

Mayor Kohut: The Mayor reported that he had a discussion with Mr. Ginsburg asking him to present a global solution to the matter that would allow their multiple issues to be resolved and for him to proceed forward with future development in the Village. Mr. Ginsburg is going to need time to come up with a proposal for a global solution that the Board can then hammer out with him, which hopefully will be something that everyone can agree upon. He can't say anything more except, if it works the Village gets out of that problem and can move forward and Mr. Ginsburg can finish his waterfront plans for Site A and Site B.

Jay Hood, Jr., Esq.: Counselor Hood stated that no-one can go back to 1998 when this all started or know where it would all lead to in 2016. He explained it was a very ambitious project with the waterfront being underutilized for decades and GDC had a plan, which was going well until 2007 when the Court cases starting coming in against the Village and it is up to the courts to decide. Again we cannot foresee what will be decided. He feels the Village did the best they could with a great plan that was in place, but unfortunately, some things did not go as planned.

Mayor Kohut: The Mayor stated that in 2007 the world did not see the collapse of the economy and no-one knew what impact it would have on the future. The Mayor said “we deal with the realities that we are faced with and try to move forward as economically as possible”, which is the position the Village is in at the present time.

Eduardo Liz, 33 Route 202, Pomona, NY: Mr. Liz only spoke Spanish, therefore, everything he said was interpreted by Trustee Batista. He was here regarding the lease he has with Mr. Ginsburg for the body shop on Dr. Girling Drive. He presented a Lease Agreement, but it was not signed by Mr. Ginsburg.

Judith Curcio: Ms. Curcio believes he is coming to the Board for a “Special Use Permit” to do something else in the building.

Jay Hood, Jr., Esq.: Counselor Hood stated Mr. Liz will have to speak with Mr. Ginsburg, the owner of the property.

Mayor Kohut: The Mayor requested Trustee Batista to explain to Mr. Liz that Mr. Ginsburg would have to come before the Board to request any kind of change to the zoning on that property because he is the owner. Mr. Liz simply leases the property from Mr. Ginsburg.

Mayor Kohut: With no further business to be conducted by the Board, the Mayor entertained a motion to adjourn the meeting.

RESOLUTION #211-2016

Motion by: Emily Dominguez

Seconded by: Francisco Batista

Motion Carries: All

Respectfully submitted by,

Beverly A. Swift, Senior Steno Clerk