

The **Minutes** of the **Regular Board Meeting** held on Monday, March 15, 2010 by the Mayor and the Board of Trustees.

#### PLEDGE OF ALLEGIANCE

ROLL CALL     Trustee Batista – Present  
                  Trustee Bueno – Present  
                  Trustee Dominguez – Present  
                  Trustee Watson – Present  
                  Mayor Kohut – Present

Mayor Kohut: First item is our first public participation. If anyone has any comments, they can make them now or later in the meeting.

Mayor Kohut: There is no public participation so we are going on to our second item, which is a public hearing on 9 New Main Street.

Village Attorney recused himself. Acting Attorney Sonia Crannage represents the village.

Applicant is not present. The board will come back to this application.

Mayor Kohut:

#### **Reports of Village Officials\_**

Village Attorney: I have no report, but I did deliver to the board three proposed laws. Two of them we talked about and one we did not. If you can read these in the interim and put them on for a hearing for the next board meeting.

Village Treasurer- No report.

Mayor's Report: We have a request from the Brick Museum to renew their lease. The board had some discussions concerning that. Based on our discussion, we have asked the Village Attorney to contact the Brick Museum to discuss negotiations on the contract.

We have a letter from the Haverstraw Fire Department. Saturday May 15<sup>th</sup> is their Bi-Annual Inspection Parade. The Village Board will be conducting inspections of the apparatus reported to the Haverstraw Fire Department that morning. Then, there will be a parade in the afternoon honoring Chief Peter J. Rugg. The parade will begin at 2:30 p.m. down at the municipal building on Fairmount Avenue. It will be concluding at Village Hall. They are requesting the use of the parking lot directly across the street from us here, as well as the Knights of Columbus parking lot for parking of the apparatus and for those attending the parade. They are also requesting the use of the services of the Village's DPW as necessary.

#### **RESOLUTION #49-2010**

Motion by: Trustee Bueno  
Seconded by: Trustee Dominguez  
Motion carried: All

Mayor Kohut: We have a letter from Brooker Engineering concerning their consultant's contract. The contract would be continuing at the same monthly sum of \$1600 a month. The only change on the fee schedule is the addition of a new title in their firm of Associate Engineer at a fee of \$140.00 an hour. This is the only change in the fee schedule that's been in place since at least 2008. If everybody is comfortable with renewing this contract with Brooker Engineering, can I have a motion to this effect?

**RESOLUTION #50-2010**

Motion by: Trustee Batista

Seconded by: Trustee Dominguez

Motion carried: All

Mayor Kohut: We had a memorandum from Orange & Rockland in reference to a new piece of legislation that is being proposed on the state level. What this would do is increase costs to local municipalities due to the bill's requirements that municipalities keep track of payrolls of subcontractors to the utility companies. It seeks to dictate the type of work that utility companies can use on excavation, provides that the utilities or contractors pay non-competitive wages and requires utilities to post unreasonable payment bonds on projects or permits to open or use the street that is required for their project. They have prepared a resolution in opposition to this which reads as follows:

**RESOLUTION IN OPPOSITION TO THE COMPETENT WORKERS  
AND PREVAILING WAGE BILL (S-632A AND A-404A) BEING  
CONSIDERED BY THE NEW YORK STATE LEGISLATURE TO BE  
IMPOSED ON ALL LOCAL GOVERNMENTS**

WHEREAS, a bill to amend the New York State Labor Law proposed that "only competent workers skilled in the work required of them" be employed by utility companies and that "the prevailing wage for similar titles... be paid to those so employed";

WHEREAS, the requirement that "only competent workers skilled in the work required of them" be employed might restrict utility companies to using only workers with specific, narrowly defined skills on the jobs, thereby depriving utility companies of the flexibility necessary to get essential work performed in a timely manner;

WHEREAS, the requirement that "only competent workers skilled in the work required of them" be employed might be the basis for union jurisdictional disputes, thereby possibly delaying work while the determination is made for which trade should be employed on a particular job and thereby adding costs to the work;

WHEREAS, the gathering and maintaining of contractor payroll records for each job that is the subject of a separate permit will drive up utility companies' costs for such work;

WHEREAS, the requirement that local governments enter agreements with utility companies will increase administrative costs to such local governments;

WHEREAS, contractors working for utility companies are often small businesses, and whose utility work represents a large portion of their business; and these contractors in turn subcontract work to smaller contractors, including many women and minority- owned firms that are currently facing significant financial pressures; the new administrative and financial requirements of this bill will impose undue costs on these small businesses and possibly drive them out of business;

WHEREAS, the additional costs as a result of this bill might force utility companies to reduce their investment in much needed infrastructure projects; and

WHEREAS, to the extent that additional costs do not reduce investments, such costs will nonetheless be passed on to consumers in the form of higher electric rates;

WHEREAS, this legislation will exclude bidding by local qualified and licensed contractors who stimulate the community's economy by spending locally, by hiring locally and by paying taxes locally but do not employ union workers;

NOW THEREFORE BE IT RESOLVED, the Village of Haverstraw opposes these bills because they will unduly raise operating costs for local governments at a time when resources are thin, and because it will increase operating costs for utility companies who will be forced to pass those added costs onto customers by raising customers' bills both directly through monthly bills and indirectly through the increased taxes necessary for local government to pay its own utility bills; and

BE IT FURTHER RESOLVED, that the Village of Haverstraw calls upon the Governor and the members of the State Legislature to take no favorable action on these bills; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor David A. Paterson, the New York State Legislature and all other deemed necessary and proper.

Mayor Kohut: If I can have a motion authorizing this resolution?

**RESOLUTION #51-2010**

Motion by: Trustee Watson, Jr.

Seconded by: Trustee Batista

Motion carried: All

Mayor Kohut: The last couple of years we started a new thing in the village called "Dancing under the Stars" where we have music out here on the streets. We close off the street from Maple Avenue between New Main Street and West Broad Street. We get the town's trailer down here and provide music. We have scheduled a couple of more of these events for this year. Two of them here in the village and one, hopefully, up in West Haverstraw. The tentative dates are June 18<sup>th</sup> here in the village, July 16<sup>th</sup> in West Haverstraw and August 20<sup>th</sup> back here in the village. This is a collaboration between the village and the other municipalities as well as the Chamber of Commerce and the Arts Alliance. They are just requesting, in order to help fund the bands, that there be a contribution from the village in the sum of \$500.00. Can I have a motion to that effect?

**RESOLUTION #52-2010**

Motion by: Trustee Dominguez

Seconded by: Trustee Watson, Jr.

Motion carried: All

Mayor Kohut: We also have to schedule a Special Meeting for next Tuesday, the 23<sup>rd</sup> of March at 5:00 p.m. This is necessitated by state law. We have already had our Grievance hearing for the upcoming tax year where people could grieve their assessments. We now have to make a decision on the various grievances that have been posted and we have to do so by the end of March. Our assessor has asked us to schedule a meeting on Tuesday, March 23<sup>rd</sup> at 5:00 p.m. so that she can go over the list with us and we can make the decisions on the posted grievances. If I can have a motion to that effect to schedule the special meeting?

**RESOLUTION #53-2010**

Motion by: Trustee Dominguez

Seconded by: Trustee Batista

Motion carried: All

Mayor Kohut: As tradition has it, we close early on Good Friday to allow people to get home for religious services. Can I have a motion from the board to close Village Hall at 2:00 p.m. on Friday, April 2<sup>nd</sup>?

**RESOLUTION #54-2010**

Motion by: Trustee Bueno

Seconded by: Trustee Dominguez

Motion carried: All

Mayor Kohut: We are going to go back to the scheduled public hearing on 9 New Main Street. This is in reference to 9 New Main Street, a commercial property that presently has two apartments over the top of a storefront.

Dave Zigler, from Atzl, Scatassa, & Zigler came before the board. We are here for a Special Permit on the property described. The reason for it is that the property is a two-story building. The bottom floor is for commercial use and the top floor has two different apartments. The apartments total about 850 sq. ft. each with three bedrooms. The applicant would like to reduce the apartments and make four one-bedroom apartments. In this case, by your code, the apartments have to equal 400 sq. ft. The apartment being split, because of the hall and the structure, range from 360 sq. ft. to 375 sq. ft. They are short 25 to 40 sq. ft. short. We are asking for a waiver for that. To mitigate that extra area that we don't have, two of the apartments have a pull down storage upstairs and we are proposing to put a shed in the back, outside storage for bicycles, baby carriages and things like that. The bottom line is you have somebody coming in upgrading the building. With that upgrade, the plan is to have four one-bedroom apartments which are easier to rent. This is why we are here. We are here for the use of turning two apartments into four apartments. We do need a waiver because the apartments are undersized.

Your code requires apartments to have two parking spaces each. This is very hard to come by in the Village of Haverstraw. Another issue with having these smaller apartments is possibly each apartment only having one car. The site does have parking available behind the building. Stacking, it has one car each, but if you have code compliance parking, it will only be for two cars parking. We are short a car. We are asking the board if they could possibly look into the fees that are involved with leasing parking spaces and hopefully bringing that down to a more reasonable rate.

Mayor Kohut asked if anyone on the board had any questions.

Trustee Dominguez: Is it the two apartments in the front that you are proposing with the upper storage area or is it the two in the back?

Dave Zigler: It's the two in the front. The shed in the back is for all four apartments.

Steve Bongiorno: I want a loft.

Dave Zigler: You do understand that this application does not represent that. We will have to change the application and come back to the board. This board is aware of the pull down storage and not livable space.

Mayor Kohut: What is drawn and presented was for pull down attic space.

Dave Zigler: The plan doesn't represent what he is asking for. I don't think it's quite fair because that's what we told both boards. I would rather change this plan to try to make it livable. I have to reflect that on the plan.

Mr. Bongiorno spoke about the loft space that he wanted. Mr. Zigler stated that he understands but it was not to be discussed in front of the board right now. Nobody is saying it's wrong, but we'll have to change the mapping.

Trustee Dominguez: Why do they have to be 375 and 350 sq. ft.? Why can't there be two one-bedrooms and two studios?

Mayor Kohut: I don't think our law would allow two studios. It might allow one.

Dave Zigler: I am trying to work with what's there. He would like to revise it and get this livable area, but the statement is coming from the applicant.

Mayor Kohut: I think I mentioned this to you Dave, you need to revise garbage can space to reflect on the map someplace.

This is a public hearing. This means I will open it up for public comment now and it will have to be continued. There certainly will be no decision made this evening because of some internal disagreement. If anyone wishes to comment about the proposal for 9 New Main Street to convert two oversized three-bedroom apartments into four one-bedroom apartments, they may come on forward.

Noel Rappaport, 31 New Main St.- The other question is will the outside of the building be improved as well?

Mr. Bongiorno: Yes, definitely.

Mayor Kohut: Mr. Bongiorno is the owner of several properties along Main Street near La Cascada Restaurant; a beauty salon, and La Cultura. As he bought the buildings, he has improved every one of the storefronts. We are hoping that he will do the same here.

Anyone from the public have any other comments? If not, then we will move to continue this to the next regular meeting.

Francis J. Wassmer, 127 Hudson Ave.- Maybe we could just have a brief recess of the public hearing and discuss this briefly and possibly come back.

Dave Zigler: I'll go for it, yes.

Mayor Kohut: Okay, we will go to a brief recess. We will continue on with our agenda. If we can come to some resolution on the issue with 9 New Main we will reconvene the public hearing.

Mayor Kohut:

**Reports of Standing Committees:**

Fire and Ordinances, Trustee Bueno- No report.

Public Works, Buildings and Grounds, Trustee Watson – Unfortunately, two drivers had incidents with vehicles parked on the side of the street. One was during snow removal. The car was completely covered with the snow. As the truck was backing up, it hit the car bumper and the bumper came off. This was up on Mountain Court. We have some bids. The lower bid came from Dave's Auto Body for \$879.10. I'd like to make a motion to allow Dave's Auto Body to repair the damaged bumper. The owner of the vehicle is Glen Acomante.

**RESOLUTION #55-2010**

Motion by: Trustee Dominguez

Seconded by: Trustee Watson, Jr.

Motion carried: All

Trustee Watson: The second accident was with our street sweeper. Hector Torres was driving on March 4<sup>th</sup> and hit the front of a car causing the car's

bumper to fall off. We had three bids. The lower bid came in from Luke's Auto Body for \$732.16. The person's name is Eduardo Vasquez. Can I have a motion to accept?

**RESOLUTION #56-2010**

Motion by: Trustee Dominguez  
Seconded by: Trustee Bueno  
Motion carried: All

Mayor Kohut: Both of those bids are below our deductible level and so will be bourn by the Village.

Just want to add one more thing, since our last meeting we had a large snowstorm in the end of February. The guys were out for a couple of days straight. Not just for plowing but removing the snow from the downtown and some other areas. We had a lot of compliments from the public about it. I think the board should add their compliments for a job well done. The board would like to offer their thanks.

Youth and Family Services, Trustee Dominguez - No report.

Buildings and Code Enforcement, Trustee Batista-

The report for the Building Department from the period of March 1<sup>st</sup> through March 12<sup>th</sup>.

Rental Property Inspections– 46  
Municipal Searches – 5  
Miscellaneous Inspections – 25  
Construction Inspections – 8  
Complaints – 7  
Violations and Tickets – 20

Trustee Batista- I also have a request from the Building Inspector. Annually, the Building Inspector has to take some courses to comply with state regulations. This is the Annual Hudson Valley CEO Educational Conference. The conference will be held on April 7<sup>th</sup>, 8<sup>th</sup>, & 9<sup>th</sup> at the Poughkeepsie Grand Hotel. The cost for conference and registration is \$495.00 per person. I make a motion we accept this.

**RESOLUTION #57-2010**

Motion by: Trustee Batista  
Seconded by: Trustee Dominguez  
Motion carried: All

Trustee Batista: There is a second conference for Code Enforcers, which is for Rafael Bueno, Jr. It is training for three days, May 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup>, 2010. This is locally. The cost for this conference is \$300.00. I make a motion to accept this.

**RESOLUTION #58-2010**

Motion by: Trustee Batista  
Seconded by: Trustee Dominguez  
Motion carried: All

Old Business: None

New Business: None

Public participation:

Noel Rappaport, 31 New Main St.- Just wanted to compliment the village on the snow removal. My customers also appreciate it. Who is responsible for moving cars off the street during a snowstorm? I did see cars that were parked for days and that is probably what happened to the cars that DPW hit.

Mayor Kohut: This is a little different. I don't know if this was in the cul-de-sac or in somebody's driveway, but it couldn't be seen because it was covered in snow. Who is responsible? Removing them from the public streets are the police I believe. They had taken a couple of cars off the streets.

Noel Rappaport: This thing from the state, I refuse it (referring to the Prevailing Wage Bill). Thirdly, there is some activity going on at the stone building. Does anyone know what is going on there?

Mayor Kohut: Well, Martin Ginsburg has been negotiating with the County of Rockland and with Hudson River Health Care to take the second and third floor. Anyone else?

Dave Zigler: Yes, we want to change the plans for 9 New Main Street. We really would like to develop that area with closets and things. He is going to come in and speak to Ruben tomorrow. If it seems to go well and there is no problem with the code, then we will change the plans and come back in.

Trustee Dominguez: I have another question regarding this. You said there was storage outside. What is going to be the square footage for the storage outside?

Dave Zigler: I will get that for you.

Mayor Kohut: Can I have a motion to adjourn the public hearing to April 5<sup>th</sup>, 2010 at 8:05 p.m.

**RESOLUTION #59-2010**

Motion by: Trustee Bueno

Seconded by: Trustee Dominguez

Motion carried: All

Mayor Kohut: Anybody else for public participation?

Steve Bernstein, 1323 Round Pointe Dr.- I'd like to know what happened with the streetscape and is anyone being held responsible for losing the \$2.5 million?

Mayor Kohut: The money wasn't lost. The money is still there, but it's been delayed. The reason it was delayed was because they never asked us for input before they took it away. We were on schedule to have all the drawings etc. done for approval by D.O.T. by late Spring of this year. The grant was given to us in April of last year. We have had to revamp our process because we didn't have the funds to complete the streetscape in its entirety as of last year. We had revamped the plans to concentrate on doing one block on Main Street for the demonstration block. When we got the word of the award last year, we told the architect to go full speed ahead, complete all the drawings for the entire scope of the project. I found out, not by any official notice, but actually our Village Engineer found out in conversations about the project with D.O.T., and their response was "don't worry about it because your money has been pushed back to 2013". Nobody bothered to ask us or to explain to us that if we didn't spend it by "x" date we might have the money delayed or anything of the sort. We are in the process of working through the system to try to get the money moved back forward. I am reasonably confident that we will have some success with that. It wasn't really a failure on anyone's part. It's just the way the New York Metropolitan Transportation Council moves. They found a higher priority with a safety issue on a bridge or a road on the Sawmill River Parkway.

Steve Bernstein: Do you feel that the streetscape was important for Haverstraw?

Mayor Kohut: Yes.

Steve Bernstein: Don't you think that maybe someone could have really been on top it?

Mayor Kohut: We were. We were moving the process along. And we are continuing to work to get everything on the shelf.

Laurence Levine, 1414 Round Point Dr.- In July of last year, I wrote you a letter in reference to the fire that occurred at the garage. Here we are in the middle of March, I think I was here in the December meeting, and you told me that the insurance funds had been acquired. Here it is three months later and that ugliness still exists. Part two of my question and part of the streetscape question is what is the board doing for the aesthetics of the Village of Haverstraw? What are we doing to attract people and attract businesses? Why does it take 7 or 9 months to get something fixed that was damaged by fire?

Mayor Kohut: As far as the building goes, we did award a contract in December. This gentleman promptly went on vacation to Florida for a while. He now has been back, and Trustee Watson has been in conversation with him. He is getting ready to start on it.

Laurence Levine: When?

Trustee Watson: We are just waiting for the funding to be released to purchase the materials. We have to follow a procedure.

Mayor Kohut: He asked for a deposit. A municipality can't give a deposit to a contractor. He has to give us the material list and then we have to go purchase the materials to give to him. We are working on that.

Laurence Levine: Again, what are we doing to promote the Village of Haverstraw? Here you have a whole group of people who have come in who moved into the village and who have contributed quite a bit of tax money. I pay more village tax than the town tax, and I want to know what I am getting for my money. I haven't seen anything.

Mayor Kohut: We do a variety of things to try to encourage the traffic of people and businesses. Things like the Street Fair, Dancing under the Stars, and the International Food Festival to get people in. We also try to improve the entrances and other areas aesthetically. We are talking about projects to get plantings and planters down to various spots in the village. Several months ago, Mr. Batista suggested trees and pots along the streets to just sort of dress up the streets a little bit. We are working on that. We do have two new restaurants, one where the Brewery was, a Mexican restaurant called Fridas and another restaurant called La Cultura. We encourage people to reclaim their storefronts. We also have a new pottery business on Broadway.

Mayor Kohut: I have one other thing. There is a request from The Haverstraw Spanish Seventh Day Adventist Church of 95 Hudson Avenue. They are requesting the use of the Haverstraw Center Facility for the use scheduled for March 20<sup>th</sup> from 7:30 pm to 10:00 pm. Each of the participants is covered by their organization's insurance.

We have spoken to the director of the Center who is going to verify that the time is available. Two of our employees are actually members of this church, and they will be available to open and close. There will be no costs incurred by the village. Could I have a motion to accept the request?

**RESOLUTION #60-2010**

Motion by: Trustee Batista

Seconded by: Trustee Dominguez  
Motion carried: All

Mayor Kohut: We have an available clerk's position here at Village Hall that we would like to switch to a Clerk's Spanish Speaking position. We have to send the request over to the County's Personnel Office. Could I have a motion to that effect?

**RESOLUTION #61-2010**

Motion by: Trustee Batista  
Seconded by: Trustee Bueno  
Motion carried: All

Mayor Kohut: Can I have a motion to adjourn?

**RESOLUTION #62-2010**

Motion by: Trustee Dominguez  
Seconded by: Trustee Bueno  
Motion carried: All

Respectfully submitted,

Sandra Castro  
Clerk/Typist