

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, August 8, 2023, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, commencing at 7:00PM.

PRESENT: Joseph P. Tursi, Mayor
Bernadette Tarantino, Trustee
David H. McNally, Trustee
Terry Rice, Village Attorney (online)
Eve Mancuso, Village Engineer
Thomas Conklin, DPW Superintendent

RECORDER OF MINUTES: Robin G. Miele, Clerk-Treasurer

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The Hon. Mayor Joseph P. Tursi called meeting to order. Trustee Tarantino led in the Salute to the Flag.

Minutes of the 7/11/2023 Meeting - Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & McNally
Noes: None

Street & Water Commissioners’ Reports – Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & McNally
Noes: None

Police Commissioner’s Report – No report.

Village Water System –

-Veolia Water NY - Bill of 8/3/2023: \$14,090.31 - Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & McNally
Noes: None

-Dept. of Health - 5/12/2023 Corres.–RE: RC Lead and Copper Rule Revisions–Lead Ser. Line Inventory Info – No report.
Note: Every water system, with no exception, must develop an initial service line material inventory that includes all SLs regardless of ownership and submit the inventory by 10/16/2024.

DPW Report - DPW Supt. Conklin

-Re-facing/Replacement of 15 Stop Signs – Supt. Conklin reported he had obtained two quotes from Traffic Safety Direct:

Re-Facing: \$917.30 / *Replacement: \$843.75. ***Quote for Replacement Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & McNally
Noes: None

-Youth Center Deck – The 7/11/2023 quote submitted by T&B Construction, in the amount of \$10,330.00, did not include all required work. A new quote was received on 8/1/2023.

Two quotes received:

6/20/2023 Quote: On-Time Contracting: \$11,500.00
8/01/2023 Quote: T&B Construction: \$11,700.00 (revised)

A MOTION was made by Trustee Tarantino and seconded by Mayor Tursi to accept the 6/20/2023 quote from On-Time Contracting, in the amount of \$11,500.00.

Ayes: Mayor Tursi & Trustee Tarantino
Noes: None
Abstention: Trustee McNally

-Youth Center – Kitchen Supression System Inspection – Campbell Fire Protection – Inv. #84594: \$170.50. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally
Noes: None

H.F.D. Report – Chief Irving Strysko not present. Written report supplied.

-Request for Purchase of Cleaning Supplies for Trucks (Amazon) Maximum Cost: \$300.00 Approved by Village Board

-Request for Purchase of Replacement Mats for Jaws Equipment (Amazon) Cost:\$ 86.58 Approved by Village Board

Ayes: Mayor Tursi, Trustees Tarantino & McNally
Noes: None

-Lithium Battery Containment Kits – Rockland County will be providing each fire department with one 5 gallon Cell Block lithium battery containment kit, along with training. Costs for additional kits, when needed, will be obtained.

-HFD President Robert Cirincione stated the rear gutter on the firehouse building does not work properly during heavy rainfall (reported by Tanya Cirincione at 7/11/2023 meeting) and he is concerned that water will leak into the downstairs kitchen. The kitchen was recently renovated and a ventilation stack will be installed. A portion of the blacktop was removed for installation of a recessed “window well”, and that may flood if the gutters are not working properly.

DPW Supt. Conklin reported he had inspected the gutter that runs approx. 80’ across the back of the building. He replaced the elbow and downspout. The removal of the blacktop by the HFD may cause flooding.

-Mayor Tursi stated the issue will be monitored.

-NYS Safety Inspections – Request for authorization to have the 5-MP, 5-CFR and 5-Quad inspected at Big Tows in Chestnut Ridge (Tuesday-Thursday – 8:00AM): \$60.00 per inspection. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally
Noes: None

-County Parade, Haverstraw, NY – 9/9/2023 – Request to participate with HFD trucks. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally
Noes: None

-Brandt Road Access – 2nd Asst. Chief Nelson Scott requested a letter be sent to property owners on Brandt Road advising that the private road must be maintained for emergency vehicles. Letters will be prepared.

-Active911, Inc. – Renewal of HFD Alerting Subscription: \$480.00. **Ratified by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

-UTV – Purchase of Heavy Duty Springs – Awaiting a return call from the vendor: Shock Therapy (Purchase Pending)

-RBC Wealth Mgmt – RBC Commentary – Fitch Ratings Downgrade; 6/30/2023 Portfolio Review,

Status of Grant Applications:

Corona Virus State & Local Fiscal Recovery Funds (SLFRF) – \$100,820.01 - Project: Veterans Memorial Park Pond Restoration – Current expenditures at this date total \$4,561.75.

SAM Grant #24595 - Sponsored by Senator Elijah Reichlin-Melnick’s Office -\$75,000.00 – Veterans Memorial Park Pond Restoration - Current Expenditures: \$25,519.36

SAM Grant #24626 - Sponsored by Assemblyman Lawler’s Office - \$49,500.00 – Pre-Fab Building - Current Expenditures: \$27,317.00.

Hurricane IDA– FEMA – DR 4615 – RE: 6th St. Culvert –

-Category C Project: Roads and Bridges (Deadline Date: 3/5/2024) Current expenditures: \$68,373.50.

-Category Z Project: Management Costs (Deadline Date: 9/6/2025) On 5/10/2024, FEMA obligated \$26,806.26 (pending)

NYS Archives – (LGRMIF) Grant – Approved Funding: \$12,850.00 – Amount Received: \$6,425.00 (50%). A reimbursement claims will be filed.

-2022 Crest Grant – Proposed Projects: Garbage Truck & Pre-Fab Garage – Letter/Application filed. Positive Response pending.

-Legislative Grant – Sponsored by Senator Bill Weber – Preliminary Application submitted on 7/10/2023 – Requested Funding: \$275,000.00 - Proposed Project: Purchase of Garbage Truck. (Response pending)

RC Community Development – CDBG Program for Fiscal Years 2024-2026

A fully executed Agreement between the County of Rockland and the Village of Hillburn was received on 8/7/2023.

Village Engineer’s Report – Engineer Mancuso reported:

-5th St DPW Garage – Supt. Conklin reported he will supply the Village Engineer with the 7/7/2023 quote he received from Salomone Bros.

Veterans Memorial Park Pond – Construction of a 30’ deep well – Contractor: MB Drilling – Drilling has commenced – a report is forthcoming. The status of shipment of a required metal sift for the well is in question, as the company it was ordered has declared bankruptcy.

6th Street Culvert – Response to the NYS DEC comments have been provided. As requested by the NYS Army Corps. Of Engineers, the application previously submitted in paper has been electronically submitted.

-Engineer Mancuso stated that upon approval by the NYS DEC, the plans will be finalized and the project can go out to bid.

2023 Road Improvements

The following RESOLUTION was offered by Trustee McNally and seconded by Trustee Tarantino who moved its adoption:

WHEREAS, bids for the project entitled 2023 Road Improvements were received on 6/13/2023, as follows

Name/Address	Base Bid	Base Bid	Base Bid	Base Bid
of Bidder	Item #1	Item #2	Item #3	Total
	Mobilization	Milling	Paving	
Tilcon New York, Inc.				
9 Entin Road	\$2,800.00	\$21,875.00	\$47,450.00	<u>\$72,125.00</u>
Parsippany, NJ 07054				
D.S. Meyer Enterprises, LLC				
2 North Street, Suite 2A	\$1,500.00	\$23,750.00	\$47,775.00	<u>\$73,025.00</u>
Waldwick, NJ 07463				

BE IT RESOLVED by the Village Board that the 2023 Road Improvements project be awarded to the lowest bidder, Tilcon New York, Inc., in the amount of \$72,125.00, to be funded as follows:

CHIPS Program	\$69,125.58
General Fund	<u>2,999.42</u>
	<u>\$72,125.00*</u>

And

FURTHER, project is to be coordinated with the Village Engineer.

AYES: Joseph P. Tursi, Mayor
Bernadette Tarantino, Trustee
David McNally, Trustee

NOES: None

ABSENT: None

RESOLUTION was unanimously adopted.

Claims filed by Brooker Engineering:

-Veterans Memorial Park Pond – Inv. #166440 – \$668.71 (Funding: SAM Grant #24595) – **Approved by Village Board**

-6th St. Culvert Repairs – Inv. #166441 - \$3,586.50 (Funding: FEMA-DR 4615) – **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

Installation of Stop Sign – Intersection of 4th Street & Lake Avenue. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

Stop Sign at 6th St. & Fox Hollow Road -Trustee McNally reported that motorists are not stopping at this Stop sign.

Mayor Tursi stated he would contact the Ramapo Police Captain.

Village Attorney's Report – **Village Attorney Terry Rice reported****Creelman Road Property**

RE: New York State Thruway Authority and the State of New York v. Outdoor Properties, LLC, Douglas L. Van Schaik, NAC Maintenance, Inc., Nicholas A. Cianciaruso, individually and in his capacity as owner and operator of NAC Maintenance, Inc., William Anthony Cianciaruso, a/k/a William Diamond, a/k/a/ Bill Diamond, and Craig Flanagan and County of Rockland, Rockland County Drainage Agency, and Charles H. Vezzetti as Chairman and Sole Member of the Rockland County Drainage Agency v. NAC Maintenance, Inc., Outdoor Properties, LLC, Douglas L. Van Schaik, Nicholas A. Cianciaruso, William Anthony Cianciaruso a/k/a William Diamond a/k/ Bill Diamond, Diamond Truck Services, Craig M. Flanagan, Jr. (Tax ID No.s 54.11, Block 2, Lots 1, 2, 3, 4, 5, 2, 13, 14, 15, 16, 17), et al –

-RE: Access Stipulation - Attorney Rice reported that he has requested the Attorney for the Defendants to supply a description of the Village property that needs to be passed over, a Certificate of Insurance naming the Village as Additional Named Insured (\$1,000,000), a hold harmless representation, and a representation that no other work will be done, other than as specifically required by the Stipulation with the NYS Thruway, and to see the executed Stipulation with the NYS Thruway. Upon receipt of the required items, the Mayor or Deputy Mayor can sign the Stipulation. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

Noved LOMR-F (Letter of Map Revision) filed on 2/7/2023 – Denied by Floodplain Administrator on 2/10/2023

-Judge's decision remains pending - RE: documents filed with RC Court by Village Attorney on 6/7/2023 in opposition to the Order to Show Cause and Supporting Papers to hold *Village of Hillburn (Plaintiffs) in Contempt of Court filed by the Attorney for Nicholas Cianciaruso, NAC Maintenance, Inc., Craig Flanagan, Jr., Outdoor Properties, LLC, Douglas L. VanSchaik, William Cianciaruso a/k/a/ Bill Diamond and Diamond Truck Service, Defendants.*

-Attorney Rice provided a copy of his /31/2023 to RC Judge – RE: Response to the suggestion of Attorney Lechin, Attorney for Defendant, that a hearing is necessary with respect to the Motion for Contempt.

Reimbursement of Retainer Fee (Legal Service of Lucianna and Lucianna, PA; as approved by Village Attorney Rice)

A MOTION was made by Trustee McNally and seconded by Trustee Tarantino that, in accordance with Chapter 15 of the Village of Hillburn Code, the retainer fee for legal services, in the amount of \$10,000.00, be reimbursed to Lawrence McMannis.

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

Verizon Franchise Renewal – Current franchise expires May 20, 2024.

-Attorney Rice received a 7/18/2023 response from Verizon advising that a draft renewal agreement in August 2023.

Filming (Local Law No. 2 of 2023) – Draft Application Form provided by Village Attorney under review by Village Board.

Tenant Registry (Local Law No. 3 of 2023) – Attorney Rice is preparing an Application Form

Introductory Local Law No. 4 of 2023 – A Local Law Enacting Certain Zoning Amendments to Chapter 250, Zoning, of the Code of the Village of Hillburn to expand the Allowable Uses in the LS Local Shopping Center Zoning District –

-The GML Review was received on 8/4/2023 and forwarded to the Village Board, Village Attorney and Village Planner.

-The Hillburn Planning Board will be meeting on 8/16/2023 to review Introductory Local Law No. 4 of 2023.

Scheduling of Public Hearing – Tuesday, September 12, 2023 at 7:15PM - **Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

Schedule of Fees – New Fee schedule is being reviewed by the Village Board.

Tax Certioraris – 2023 Assessment Year – Four Tax Certioraris have been filed.

RE: TOKNY Realty Group, Inc. - On 7/20/2023, Village Assessor Scott Shedler notified the Village Board that, after a year of negotiating, Mt. Fuji had agreed to stop their Tax Certiorari Cases against the Village of Hillburn for Tax Years 2021/22, 2022/23 and 2023/24. The 7/14/2023 Stipulations of Discontinuance for each of the three proceedings, signed by the Attorneys for TOKNY Realty Group, Inc., were signed and filed on 7/24/2023 by Village Attorney Rice.

2024 Village Assessment Year –

NYS Office of Real Property Tax Services – Notice of Final Equalization Rate for the Village of Hillburn: 14.22.

Insurance

NYS Dept. of Civil Service – July 2023 Out-of-Network Reimbursement Disclosure.

Comp Alliance - July 2023 Safety Bulletin – Dump Truck Safety.

- 8/2/2023 Notice - Loyalty Award Distribution for June/July Members

\$125,000 BAN – Dated 1/14/2021 (DPW Vehicle, DPW Pre-Fab Garage & Misc. Office Equipment) – No change to 5/23/2023 Financial Report.

Various Capital Improvements (In accordance with 9/1/16 BAN) – No change to 5/23/2023 Financial Report.

Zoning Board of Appeals – No report

Planning Board – Next Meeting: 8/16/2023

Building/Fire Inspector's Report

-Notification was supplied by Bldg/Fire Inspector McMannis that Adam Gordon (former Village Bldg/Fire Inspector) will be covering for him from 8/5-6/2023.

-The Village Board acknowledged receipt of copies of correspondence from the Building/Fire Inspector, including:

- Campbell Fire Protection – RE: Youth Center 7/19/2023 Range Hood Systems Report – Notification that system is due for 12 Year Service.
- RC Drainage Agency – Reminder –RC Stream Control Act & Freshwater Wetlands Protection Law – Permitting Requirements for developments within the RC Drainage Agency jurisdiction.

Escrow – No change to Status of Escrow Accounts Report dated 6/27/2023.

Senior Citizens – Upcoming Trip: Medieval Times Dinner and Tournament: 8/19/2023.

Recreation –

Summer Camp Program - Max McClintock, Rockland After School Programs, Inc. d/b/a The Summer Spot Day Camp:

The Program Flyer supplied by Mr. McClintock on 7/18/2023 was posted.

Hillburn Day – October 7 & 8, 2023 - Trustee Tarantino reported that the next committee meeting is scheduled for Tuesday, 8/15/2023 at 5:00PM.

Public Comments

-**Jimi Van Dunk (26 Boulder Avenue)** stated his disapproval of the manner in which “No Parking” signs and yellow road markings were placed on Boulder Avenue. He feels he was not treated equally.

-Mayor Tursi advised Mr. Van Dunk that, due to its narrowness, parking of vehicles on both sides of the Boulder Avenue inhibits access/egress of Village vehicles, including the garbage truck and, most importantly, Village fire trucks. It is for this reason that the respective area of Boulder Avenue has been designated one side of the street parking.

-**Bonnie O’Blenis (124 Sixth Street)** stated that the rocks blocking the property on Boulder Avenue makes parking difficult.

-Mayor Tursi stated that the respective property is Village owned and is not for public parking.

-**Mrs. O’Blenis** questioned why she wasn’t notified of the previous Hillburn Day Committee meeting.

-Trustee Tarantino replied that Mrs. O’Blenis was present at the previous meeting. There was no other meeting held. The next meeting is scheduled for 8/15/2023.

-**Mrs. O’Blenis** questioned if the Comprehensive Plan had been adopted by the Village.

-Mayor Tursi stated it was adopted on 1/14/2020, during Mrs. O’Blenis’ tenure as Village Trustee. The Comprehensive Plan is available on the Village’s website, or at the Village Office.

-**Mrs. O’Blenis** stated cars continue to park on Village sidewalks.

Complaints

-7/18/2023 – RE: Garage at 51 5th St. Action: Permit issued - portion of garage in danger of collapsing has been demolished.

-8/5/2023 – RE: Truck parked on 2nd St. – Action: DPW Supt. advised that matter had been addressed: Truck owned by MB Drilling.

Correspondence - The Village Board acknowledged receipt of correspondence, regular and email

-RC Dept. of Finance – Check #0002431104 in the amount of \$18,404.05 – Mortgage Tax 10/1/2022-3/31/2023.

-NYS DEC – RE: Air State Facility Permits issued to Rockland Green and Alliance NYGT, LLC.

-RC Dept. of Finance – Check #0002430209 in the amount of \$44,304.37 - 2023 Annual Payment per Intermunicipal Cooperation Agreement to Special Account Sewer Fund.

-Cornell Cooperative Extension – RE: NYSDEC Climate Smart Communities grant application.

-Township of Mahwah – Notice of Public Hearing: 7/24/2023 – RE: Applications filed by Crossroads Development Assoc., LLC and Garden Crossroads, LLC.

-General Code – Code Update Reminder.

Personnel Manual Updates Needed: Pandemic Protocol, Sexual Harassment-Annual Training and update to Holidays.

Voucher Claims and Budgetary Transfers to Cover Approved Expenditures - Approved by Board.

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

Upcoming Village Board Meetings: Tuesdays, September 12th and September 26th – 7:00PM

A MOTION was made by Trustee Tarantino and seconded by Trustee McNally to adjourn the meeting at 8:10PM.

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None