

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, September 12, 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  
Bonnie Franson (Nelson Pope & Voorhis), Village Planner (online)

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

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

**Minutes of the 8/8/2023 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

**Village Water System –**

-Veolia Water NY - Bill of 9/1/2023: \$12,070.05 - **Approved by Village Board.**

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

-Water Billing Summary (4 Month Period Ending 7/31/2023) - Report dated 9/5/2023 was supplied.

-Dept. of Health - 5/12/2023 Corres.– RE: RC Lead & 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**

-Tires for Trucks – Quotes are being obtained.

-Cornell Cooperative Extension of RC – Storm Drain Marker Program (corres. supplied to DPW Supt.)

**H.F.D. Report – Chief Irving Stryko not present. No report supplied.**

-RBC Wealth Mgmt – July 2023 and August 2023 Account Statements.

**Town of Ramapo – 8/17/2023 Letter Requesting 2024 Budgeted amounts for Ramapo Fire Protection Districts No. 1 & No. 5** – 9/7/2023 response by Mayor Tursi - Fire District #1: \$150,000; Fire District #5: \$95,000.

**Police Commissioner's Report** – Mayor Tursi acknowledged the presence of two Ramapo Police Officers and advised that motorists continue to disregard stop signs at intersections throughout the Village, including Mountain Ave./Fifth St. Several residents also noted: Boulder Ave/Sixth St, Rockland Ave/Fifth St and Hickory Ave/Fifth St.

**Status of Grant Applications:**

SLFRF Funding – \$100,820.01 - Project: Veterans Memorial Park Pond Restor. – Current expenditures: \$4,561.75.

SAM Grant #24595 - \$75,000.00 – Veterans Memorial Park Pond Restoration - Current Expenditures: \$25,519.36

SAM Grant #24626 - \$49,500.00 – Pre-Fab Building - Current Expenditures: \$27,317.00.

Hurricane IDA– FEMA – DR 4615 – RE: 6<sup>th</sup> 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%). Invoice from NYSID: \$12,350.00. A Budget Amendment has been filed to utilize the \$500.00 balance to purchase a desktop scanner.

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

-Legislative Grant – Sponsored by Senator Bill Weber – Prelim. Applica. filed 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**

2024 CD Project – In accordance with documentation provided by the RC CD Office, Hillburn does not meet the criteria funding. Mayor Tursi stated that, since the Village Board entered into the CDBG Program under the premise of qualifying for funding, withdrawal from the Consortium is being considered.

**Village Engineer's Report** – Engineer Mancuso reported:

-Veterans Memorial Park Pond – Following a discussion with the Village Board regarding the supply of water and enhancements to the pond, preparation of plans and a project budget will commence.

-MB Drilling – Inv. #359: \$29,695.00 (in accordance with proposal accepted on 6/13/2023) **Approved by Village Board**

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

-5<sup>th</sup> St. DPW Garage – Specifications will be prepared to go out to bid.

-2023 Road Improvements – Project awarded to Tilcon New York, Inc. on 8/8/2023. Start date is to be determined.

**Brooker Engineering, PLLC - Acquisition by Weston & Sampson**

Engineer Mancuso reported that Brooker Engineering, PLLC, has entered into a Transaction in which Weston & Sampson has purchased its assets. Brooker Engineering supplied a 9/6/2023 letter notifying of the transaction and requesting the Village's consent for Weston & Sampson to assume Brooker Engineering's current Agreement with the Village of Hillburn dated 4/4/2023.

A MOTION was made by Trustee Tarantino and seconded by Trustee McNally to consent to the assignment and assumption by Weston & Sampson of all of the rights, benefits, duties and obligations of the 2023-2024 Agreement between the Village of Hillburn and Brooker Engineering, PLLC for engineering services; and FURTHER, authorizing Mayor Tursi to execute the 9/6/2023 Letter of Consent.

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

Claims filed by Brooker Engineering:

-Veterans Memorial Park Pond – Inv. #166708 – \$207.50 (Funding: SAM Grant #24595) – **Approved by Village Board**

-6<sup>th</sup> St. Culvert Repairs – Inv. #166697 - \$3,470.50 (Funding: FEMA-DR 4615) – **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

**Rockland Multi-Jurisdictional Hazard Mitigation Plan -**

As requested by the RC Office of Fire & Emergency Services, a questionnaire was completed, and a Letter of Intent to participate in the RC Multi-Jurisdictional Hazard Mitigation Plan, signed by Mayor Tursi, was submitted on 8/30/2023.

**7:15PM**

A MOTION was made by Trustee McNally and seconded by Trustee Tarantino to suspend the regular meeting in order to hold the duly scheduled Public Hearing.

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

**Public Hearing – Introductory Local Law 4 of 2023 – A Local Law amending Chapter 250 of the code of the Village of Hillburn Zoning Local Law**

Mayor Tursi read the Notice of Public Hearing that was duly posted and published.

-Attorney Rice summarized the purpose of the introductory local law:

1. To amend the current uses allowed in the Local Shopping “LS” Zone to include the uses previously allowed in the Highway Commercial “HC” Zone.
2. To Rezone a portion of Tax Parcel 47.14-1-42 currently in the R-9 Zone to the LS Zone to be consistent with the remainder of parcel.

Hearing was opened for public comments. (attached)

A MOTION was made by Trustee Tarantino and seconded by Trustee McNally to close the Public Hearing.

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

**8:15PM**

A MOTION was made by Trustee McNally and seconded by Trustee Tarantino to reopen the regular Board Meeting.

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

**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* – An email was received from Attorney Rice advising that Village property does not need to be crossed over to access the Outdoor Properties property or Thruway property.

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

*-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.*

*-A Hearing is scheduled for 11/22/2023 - Attorney Rice sent a 9/12/2023 letter to Judge Eisenpress contending that the hearing is not mandated due to the Motion for Contempt is frivolous and inapplicable as a matter of law. Additionally, he requested the Judge dismiss the Contempt Application and vacate the Stay of the Remediation Order. Further, if the Judge rejects his argument, he requested the hearing be rescheduled.*

*-Trustee Tarantino questioned how far away the contaminated fill is from the water aquifer.*

*-Attorney Rice replied that it is more of a concern to the northern New Jersey communities, as it would flow downstream. Originally, based on the Court’s earlier Order, test pits were dug and the analysis of the contents revealed contaminants. The Engineer’s report, that is included in the May 2023 Remediation Order, requires additional test pits to acquire a better understanding of the location(s) of the contaminants.*

*-Trustee Tarantino stated the Village should be going after all of the Defendants on the Order for Remediation. (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 stated that monetary Judgements are already in effect against the Cianciarusos (approx. \$700,000), and the owner of the property, Douglas L. Van Schaik (aprox. \$400,000). Craig Flanagan, Jr. had defaulted at the beginning of the case and already has an Order against him; however, he will discuss with the Village Board the feasibility of seeking a monetary Judgement against Mr. Flanagan.*

-Trustee McNally stated his opinion that it is an environmental crime and the perpetrators should be arrested. Trustee McNally also questioned if any legal action can be taken against the NYS DEC for failing to pursue this matter. Attorney Rice replied no.

-Crawford & von Keller, LLC – Invoice #62578 & #64118 - Process Server Fee : \$1,303.84 - RE: Filing and serving the Judgment in the Cianciaruso case on Douglas L. Vanschaik in South Carolina. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

Verizon Franchise Renewal – Current franchise expires May 20, 2024 - Attorney Rice is following up on same.

**Schedule of Fees** – Amended Fee Schedule has been reviewed by the Village Attorney and Village Board.

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

**BE IT ENACTED** by the Village of Hillburn Village Board of Trustees as follows:

**Section 1.** The Standard Schedule of Fees of the Village of Hillburn is amended to provide as follows:  
(Full Fee Schedule is attached)

**Section 2.** This Resolution shall take effect immediately.

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

NOES: None

**RESOLUTION** was unanimously adopted.

**Application for Filming** – Draft Application, provided by Attorney Rice on 7/10/23. **Approved by Village Board**

Ayes: Mayor Tursi, Trustees Tarantino & McNally

Noes: None

**Tenant Registry (Local Law No. 3 of 2023)** – An Application Form is being prepared by Village Attorney.

**Tax Certioraris – 2023 Assessment Year** – Of the four Tax Certioraris that have been filed, three remain in effect.

**2024 Village Assessment Year** – The Village Assessor supplied an Occupancy Statement form to the Village Attorney and recommended it be included with new and renewal 2024 Exemption Applications.

#### **Insurance**

-NYS Insurance Fund – Notice of \$97.46 credit for timely submission of annual payroll and favorable claims results.

-NY Dept. of Civil Service – 2023 Empire Plan “Reporting on Center of Excellence Programs” publication.

**1/14/21 BAN: \$125,000 (DPW Vehicle, DPW Garage, Misc. Off. Equip)** – Financial Report at 8/31/2023 was supplied.

**Various Capital Improvements (In accordance with 9/1/16 BAN)** – Financial Report at 8/31/2023 was supplied.

**Zoning Board of Appeals** – No report

**Planning Board** – Next Meeting: 9/27/2023

**Building/Fire Inspector’s Report** - The Board acknowledged receipt of correspondence sent by the Bldg/Fire Inspector.

**Escrow** – A Status of Escrow Accounts Report dated 8/31/2023 was supplied.

**Senior Citizens** – Senior Citizens Organization President, Diana DeGroat, reported:

-The Seniors enjoyed the 8/19/2023 trip to Medieval Times. -Upcoming Trip: Hunterdon Playhouse – 12/19/2023.

-Meeting Schedule: Change to one meeting a month, at 1:00PM. This new schedule will be revisited in December 2023.

-Speakers will be present at each meeting.

**Recreation** – No report.

**Hillburn Day – October 7, 2023 (Rain Date: 10/8/2023)** - Next committee meeting: Monday 9/18/2023 at 5:00PM.

#### **Public Comments**

-**Jimi Van Dunk (26 Boulder Ave.)** readdressed his complaint made at the 8/8/2023 Board Meeting regarding the installation of “No Parking” signs on Boulder Ave; and his opinion that racism was a motive for the DPW Supt.’s actions.

-The Village Board stated they have known Supt. Conklin for many years and can attest that he is not racist.

-DPW Supt. Conklin stated that no racism or malice influenced his decision regarding the placement of No Parking signs on Boulder Ave. Further, no sign was installed by his home, only yellow markings were placed on the roadway.

-As recommended by Trustee Tarantino, Mr. Van Dunk was requested to contact the Village Office to schedule a meeting to discuss this matter with the Village Board and DPW Supt. Conklin.

**Carla Alexander (31 Rockland Avenue)** questioned if NYS or the Village installed the signs prohibiting the parking of trucks on Rte. 17. Mayor Tursi stated that, in response to complaints received, the Village adopted Local Law No. 2 of 2023, prohibiting trucks weighing 5 tons or more from parking on streets in the Village of Hillburn.

**June Van Dunk (151 Sixth St)** requested police presence in the area of Boulder Ave. and Sixth St. from approx. 2:30 – 3:30PM, when the elementary children get off the school bus. On several occasions, she has witnessed young men from 22 Boulder Avenue soliciting drugs and appearing to be in an intoxicated state. She has filed several police reports.

-Mayor Tursi stated he will contact the Ramapo Police regarding this matter.

**Tim Williams (31 Sixth St)** recommended the establishment of an Architectural Design Committee to regulate the types of homes built in the Village.

-Mayor Tursi stated the matter will be looked into.

Public Comment period was closed.

8:55PM

A MOTION was made by Trustee McNally and seconded by Trustee Tarantino to suspend the regular meeting in order to go into Executive Session to discuss pending legal proceedings.

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

9:04PM

A MOTION was made by Trustee McNally and seconded by Trustee Tarantino to reopen the regular meeting.

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

**RE: Introductory Local Law No. 4 of 2023 – A Local Law amending Chapter 250 of the code of the Village of Hillburn Zoning Local Law (Public Hearing held earlier in meeting)**

-Mayor Tursi stated that, as advised by the Village Attorney and the Village Planner, it is in the best interest of the Village to adopt this local law.

**SEQRA Resolution**

**WHEREAS**, an Environmental Assessment Form was prepared by the Village Planner for Introductory Local Law No. 4 of 2023, which has been reviewed by the Board of Trustees; and

**WHEREAS**, it was determined that Introductory Local Law No. 4 of 2023 does not produce any environmental effects or any other adverse effect upon the general neighborhood as listed on the Environmental Assessment Form;

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Hillburn Board of Trustees hereby adopts a Negative Declaration with respect to Introductory Local Law No. 4, 2023.

**MOTION MADE BY:** Bernadette Tarantino, Trustee

**SECONDED BY:** David McNally, Trustee

**AYES:** Joseph P. Tursi, Mayor  
Bernadette Tarantino, Trustee  
David McNally, Trustee  
**NOES:** None

**Adoption Resolution**

**BE IT ENACTED** by the Board of Trustees of the Village of Hillburn as follows:

**WHEREAS**, the Village of Hillburn adopted a Comprehensive Plan for the Village in 2020 which, among other things, created a Local Shopping (LS) zoning district to allow for uses that would meet the day-to-day local shopping needs of Hillburn residents and businesses; and

**WHEREAS**, in the interim, the Village has found that it needs to ensure that the LS zoning district allows uses that were historically permitted and are still presently located in the district, so that the zoning does not unintentionally erode the Village tax base through lack of demand for uses that are presently allowed in the LS zone and deprive the owners of the respective property economically viable uses of their properties; and

**WHEREAS**, the Village desires to continue to encourage the LS uses allowed in the LS zone, but to also allow uses that were allowed within the HC Highway Commercial zone, which was the zoning district in place prior to creation of the LS zone; and

**WHEREAS**, it has also been proposed to rezone a portion of one parcel which is presently zoned R-9 to the LS zone so that it is consistent with the remainder of the LS zoning for said parcel and the existing use of the parcel; and

**WHEREAS**, pursuant to § 250-77 of the Zoning Law, the proposed local law was referred to the Village of Hillburn Planning Board on July 11, 2023; and

**WHEREAS**, on August 17, 2023, the Village of Hillburn Planning Board recommended adoption of the local law; and

**WHEREAS**, pursuant to § 239-m of the General Municipal Law and § 250-78 of the Zoning Law, the proposed local law was referred to the Rockland County Department of Planning on July 12, 2023; and

**WHEREAS**, by letter dated August 4, 2023, the Rockland County Department of Planning made various recommendations; and

**WHEREAS**, a notice of the public hearing on said local law to be held on September 12, 2023 was timely published in the Journal News on August 28, 2023; and

**WHEREAS**, the Village planner prepared an Environmental Assessment Form for the proposed local law which has been reviewed by the Board of Trustees; and

**WHEREAS**, the Board of Trustees adopted a Negative Declaration pursuant to SEQRA on September 12, 2023.

**WHEREAS**, the comments of the public were received by the Board of Trustees at the September 12, 2023 public hearing and the hearing was closed; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Hillburn that, as related in the previously adopted Negative Declaration, the adoption of the proposed local law will not have a significant adverse effect on the environment; and

**BE IT FURTHER RESOLVED** that the proposal complies with the recommendations of the Department of Planning August 4, 2023 letter; and

**BE IT FURTHER RESOLVED**, that the Board of Trustees finds that all procedural requirements for the adoption of said local law have been satisfied; and

**BE IT FURTHER RESOLVED** the Board of Trustees finds that the proposed local law is consistent with the Village’s comprehensive plan; and

**BE IT FURTHER RESOLVED** that it is in the overall public interest of the Village of Hillburn to adopt said local; and

**BE IT FURTHER RESOLVED**, that the rezoning of a portion of the parcel known and designated on the Tax Map of the Village of Hillburn as Section 47.14, Block 2, Lot 42 from a R-9 zoning designation to LS is subject to and conditioned upon the owner of the property applying to and obtaining amended site plan approval for the installation of a 15-foot landscaped buffer along the rear of the property and any other portion of the property required by the Planning Board within 30 days of amended site plan approval, unless such time is extended by the Planning Board because of the season or weather.

**BE IT FURTHER RESOLVED** that Introductory Local Law No. 4, “A Local Law Amending Chapter 250 of the Code of the Village of Hillburn, the Hillburn Zoning Local Law,” is hereby adopted as Local Law No. 4 of 2023. Said Local Law will take effect immediately upon filing with the Secretary of State.

**MOTION MADE BY:** Bernadette Tarantino, Trustee  
**SECONDED BY:** David McNally, Trustee

**AYES:** Joseph P. Tursi, Mayor  
Bernadette Tarantino, Trustee  
David McNally, Trustee  
**NOES:** None

RESOLUTION was unanimously adopted

**Complaints**

-8/11/2023 – RE: Broken Post Office Box since March 2022. They were given a phone number to call – no action. As of this date, the box is still broken. They have to go to the window to be given mail and, because they work Monday-Saturday, they are unable to get their mail regularly. *(Mayor Tursi stated that he will contact Congressman Lawler)*

-8/14/2023 – RE: Concern for senior citizens, as young males are loitering on 6<sup>th</sup> Street and asking for drugs. *(matter was addressed during Public Comments – Ramapo Police will be notified)*

-Littering on Recreation Field – Pictures were provided. *(A discussion was held on ways to monitor/deter littering)*

**Justice Court - Auditor’s Report – FYE 5/31/23 – Berard & Associates CPA’s P.C.**

A MOTION was made by Trustee McNally and seconded by Trustee Tarantino to accept the Village Justice Audit Reports for FYE 5/31/2023.

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

**Pitney Bowes – Postage Meter Contract Renewal** (Current Contract Expires April 2024) 60 Months at \$57.87, Billed Quarterly at \$473.61 - **Approved by Village Board**

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

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

-NYSER – 2025 Projected Contribution.

-M&T Bank – Recent global cybersecurity incident involving MOVEit (file transfer software tool)

-Township of Mahwah – Notice of Public Hearing – 8/14/2023 – RE: Crossroads Developers Associates.

-Town of Clarkstown – Notice of Public Hearing – 9/12/2023 – RE: Local Law Amending Chapter 290 of the Code.

-O &R Utilities – RE: Warning regarding Bill Payment Fraud Calls.

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

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

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

**Upcoming Village Board Meeting:** Tuesday, September 26<sup>th</sup> – 7:00PM

A MOTION was made by Trustee Tarantino and seconded by Trustee McNally to adjourn the meeting at 9:15PM.

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