

The minutes of the Regular Meeting of the Board of Trustees of the Village of Haverstraw on August 9<sup>th</sup>, 2010, beginning at 8:00 PM.

## PLEDGE OF ALLEGIANCE

ROLL CALL	Trustee Batista	- Absent
	Trustee Bueno	- Absent
	Trustee Watson	- Present
	Trustee Dominguez	- Present
	Mayor Kohut	- Present

Mayor Kohut: The Mayor opened the meeting with the first Public Participation.

Cat LoBuono, 40 Hillside Avenue: Mrs. LoBuono asked if the Board has thought of any economic incentives to bring new businesses into the village.

Mayor Kohut: The Mayor replied that they have not looked into any kind of tax incentives. The tax incentives that they had looked into previously had to go through the town and school district because if the village offers a tax incentive the people of the Town of Stony Point and the Town of Haverstraw would want something similar to encourage new businesses in their areas; the incentive has to be across the board.

Jay Hood, Sr., Village Attorney: Counselor Hood stated that they did not necessarily have to be across the board, however, the practicality of the incentives might not be worth it to a building owner. Offering a building owner a \$2,000.00 tax break to eliminate an apartment, when they make more money renting the apartment, is not going to influence anyone.

Cat LoBuono: Mrs. LoBuono asked if we have looked into any other kind of economic incentives.

Mayor Kohut: The Mayor replied that the village has created an incentive to remove the ground floor apartments by offering the property owner the ability to build an apartment behind or above the commercial space, depending on the layout of the property. In this way, they could remove the ground floor apartment and still have that income along with the potential of a commercial rental where the apartment existed.

Jay Hood, Sr.: Counselor Hood explained that there are two incentives. The five year rental agreement was not well accepted by the landlords and there was some money coming in from the county. At the present time, one landlord was given permission to build in the garage behind his building, if they would remove the apartment from the storefront, which has been approved. One other building was renovated and a storefront put in place of an apartment, which has been completed. The village, he stated, would be willing to do like things, which is density neutral, but would get the residential units off the ground floors.

Mayor Kohut: The Mayor mentioned that the board has recently approved a property having four studio apartments to allow the buyer to renovate the entire building and put in a storefront on the ground level.

Cat LoBuono: Mrs. LoBuono asked if ground floor storefronts are something that could be mandated by village ordinance.

Jay Hood, Sr.: Counselor Hood responded that you cannot mandate on existing structures, which have been grandfathered in as pre-existing non-conforming uses. It could, however, be something that could be done going forward. He gave another example of a changeover located on Broadway, near the firehouse, where two stores were built that were formally apartments. There has been a little movement, however there has to be an economic base to convince the landlord/owner that it would be in their best financial interest.

Cat LoBuono: Mrs. LoBuono stated she would love to see someone working specifically on economic incentives for businesses like that to move into the village, because she does not believe it will happen otherwise.

Mel Post, 1422 Round Point Drive: Mr. Post questioned the board about the village taxes being less than the town taxes, as the Mayor indicated.

Jay Hood, Sr.: Counselor Hood stated that the town taxes are combined with the school taxes making them higher.

Mel Post: Mr. Post commented that the school and the town are two different entities and the taxes cannot be merged. He also mentioned in many instances the village taxes are more than the town taxes. Mr. Post then inquired about the light DOT was going to install at Gurnee Avenue and Route 202. It is his understanding that DOT is putting the installation off until 2013. He has spoken to Howard Phillips and asked that the Board try to get the county legislators involved to try to move up the date.

Larry Levine, 1414 Round Point Drive: Mr. Levine asked about the DPW garage going out to bid for painting.

Mayor Kohut: The Mayor responded that the DPW garage went out to bid for residing of the building. The village anticipated the cost would be approximately \$75,000.00, however, when the bids came back the low bid was almost \$150,000.00. Unfortunately, this is the cost of doing business as a government because the village has to pay prevailing wages and has to require bid bonds, etc. from contractors, which ultimately doubled the price. Therefore, they are going to reject the bids and try to figure out a different course of action because that amount was not budgeted to resurface the building.

Gilbert Musinger, 1416 Round Point Drive: Mr. Musinger again questioned what is being done about the Building Inspector and Code Enforcer as he has seen no improvement in the sidewalks outside the buildings, especially on Main Street. At the previous board meeting he requested Deputy Mayor Batista give the public information about how many letters were written to landlords based upon violation of village codes. He also asked that he (Mr. Batista) give an indication of how many landlords received fines, which he feels should be public knowledge, mentioning that in Nyack people do not even take down a tree on their own property without the Building Department saying OK, or they receive heavy fines. He spoke again about the Haverstraw Post Office being the worst looking in the county and state, which does not give anyone a good impression of our village, especially the streets in the waterfront area.

Mayor Kohut: The Mayor responded to Mr. Musinger that he evidently did not visit the Post Office this week because the property has been completely taken care of. He spoke to the new Postmaster and the first thing he undertook was hiring a landscaper to clean up the property. Both the Mayor and the Building Inspector spoke with the Postmaster and within a weeks time the property was cleaned up. With reference to the Building Department, Trustee Batista reads a Building Department report at every meeting. He invited Mr. Musinger to stop

by the Building Department any day from 9:00 AM to 5:00 PM to speak with the Building Inspector about summonses and violations that have been issued and the results, if he has them. Just because the property at 1 First Street is not kept up properly today, does not mean that tomorrow there will be a resolution. The Building Department issues violations, which if not complied with in a certain period of time, mandates a court appearance and goes through the judicial process. This takes place on Village Ordinance Night, the third Thursday of every month in the Village Hall, with the exception of August because the Deputy Village Attorney is not available. However, even if the property owner is fined, the judgment is not always satisfied and then other means have to be followed. There is a step by step procedure that must be followed, which the Building Department is following.

Irwin Scharf, 1115 Round Point Drive: Mr. Scharf assumes that the village has a budget with an account reserved for contingencies. He wanted to know how much money was currently in the account.

Mayor Kohut: The Mayor responded, at the beginning of the budget year there is \$200,000.00 in the contingency fund.

Irwin Scharf: Mr. Scharf then spoke about the repairs to the DPW garage. With the board under the impression that the job would cost \$75,000.00, but bids coming in at double the price, it seems to him that the board is not getting expert advice and that there is money in the Contingency Fund to accept the low bid and have the garage repaired. He wanted to know why the garage can't be repaired with these funds.

Mayor Kohut: The Mayor stated that the village spoke with the gentleman who did some repairs on the building to get an idea of what it would cost. That gentleman, however, did not know at the time that he had to bid it out at prevailing wages and also that a bid bond was required, which is why he did not bid on the project. With regard to the contingency fund, there is approximately \$200,000.00 in the account, which has to last the entire year. The village is one month into the budget year; therefore the village cannot spend \$75,000.00 of the \$200,000.00 because that will not leave enough money in the Contingency Fund for any emergency that might arise during the rest of the year..

The Mayor then introduced Max Stach of the Turner/Miller Group to discuss the zone change for a portion of the Tilcon property.

Max Stach: Mr. Stach informed the public that the waterfront project started with the adoption of a Waterfront Urban Renewal Plan in 2003, which resulted in the construction of the Harbors Project. This project significantly increased the usage of Short Clove Road, which has become a very dangerous intersection. NYSDOT decided to redo the intersection, constructing a large double bridge crossover; the first bridge crossing the CSX railroad track, the second bridge crossing over Riverside Avenue. With this project DOT was forced to take a large piece of property, approximately 2.7 acres, from Tilcon. With that, Short Clove Road between the project and Route 9W will no longer access any village property except property owned by Tilcon. The village is currently paying for maintenance and upkeep of what is a private drive serving Tilcon. It is looking at the reduction of land from Tilcon available for taxation for industrial purposes. In consideration of the environmental impact, the village undertook a number of related zoning actions to remedy some situations; primarily the discontinuance of Short Clove Road as a village street from Route 9W through the bridge project. This would essentially make it a private street transferring the ownership and maintenance responsibility to Tilcon. Secondly, with the elimination of the land from Tilcon, discussions began about the

recycling storage area, where they store their asphalt waiting to be reprocessed, which became eliminated. That section of land owned by Tilcon was reduced by the presence of the Mountain Protection Overlay District (MPOD) as use for industrial purposes. The MPOD exists for most of the land left of Route 9W. In one location it triangles down below Route 9W where the DOT construction project is, which has operated in complete disregard to the MPOD. DOT is building the project the way it has to be done and has left just a small sliver of land within the MPOD. The question then arose: Is it really important, when there is a large construction site on one side and an operating quarry on the other side, for this land to remain under mountain protection? It is below Route 9W and is significantly different in character than what is above Route 9W in scenic terms. They have looked into relocating the MPOD to remain all the way above and west of Route 9W.

The next zoning amendment would entail rezoning of what is now PI to a new designation of PI2, to essentially recognize that the character of the land to the south is going to be different than the PI district as exists above the new intersection project. There would still be a PI district, which would include the bus garage and the former laundry; however, those types of uses are significantly different than what will be seen south of the bridge project. Specifically the PI2 district is governed already at the state level by the NYS Mining Permits. The changes being proposed by the PI2 district are threefold. It will allow, instead of a Special Permit, to be a permitted use operation of quarries. Secondly, it will allow, as an accessory use, outdoor storage and crushing of non-combustible materials so long as they are not stored any closer than 300 feet from a residential zoning district or 25 feet from any property line, which are existing standards. Thirdly, it will allow the new Special Use Permit for an asphalt recycling plant, which the previous zoning district did not allow for the recycling of asphalt. He pointed out on a map the relocation of the asphalt recycling plant, which would allow the village to maintain the level of taxation that is currently set for Tilcon, however, there are two additional actions that need to be taken. #1) When the Waterfront Urban Renewal Plan was adopted it had identified the area that was taken by DOT as a potential location for affordable housing. #2) The Village Master Plan references the MPO as existing to the east of Route 9W, therefore, there would have to be an amendment to the master plan in order to eliminate that idea. That document is complete, and is being submitted to the board for consideration, which will allow the public to start reviewing it. A Public Hearing will be scheduled to discuss the document, as well as the action, which includes movement of the MPO zone line, the adoption of the PI2 district, the rezoning of the area to the new PI2 and the amendments to the Waterfront Urban Renewal Plan and the Village Master Plan.

Mayor Kohut: The Mayor stated several changes the board wanted made to the document as follows:

- 1) Page 61 – states that the right-of-way of the present Short Clove Road will revert to the mine owner who will retain and maintain the road surface to use as a private drive for access to its maintenance shops. The Mayor mentioned this is not happening because of difficulty in getting a crossing agreement with CSX.

Max Stach: Mr. Stach questioned if it will still be reverted to the mine owner.

Mayor Kohut: The Mayor stated that there will be an agreement reached to turn the property over to the mine owners.

Jay Hood, Sr.: Counselor Hood mentioned that they may or may not use it as an internal drive to access their various projects. It may be taken out and just becomes like the rest of the land.

Mayor Kohut: The Mayor then discussed the next items as follows:

- 2) Page 80 – states the Ambulance Corp. exists on Maple Avenue. Its current location is on Route 9W.
- 3) Page 81 – states there are two local marinas located in a small cove just north of the village DPW; the Rockland Bergen Boat Club and the BPOE Elks. The Rockland Bergen Club no longer exists in that location. It is now Harbors Cove Marina.

The Mayor entertained a motion to have the above mentioned changes made and accept the Draft Environment Impact Statement.

RESOLUTION #161-2110

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion carries: All

Jay Hood, Sr.: Counselor Hood asked for a Public Hearing to be scheduled for September 28<sup>th</sup> at 7:00 PM to review the Draft Environmental Impact Statement. He would also like to schedule a Public Hearing for September 28<sup>th</sup> following the DEIS hearing to discuss the zoning change eliminating the Mountain Protection Overlay District that is east of Route 9W and to establish and map a PI2 zone. He then mentioned the need to open and change the Urban Renewal Plan currently in place for the waterfront revitalization.

Mayor Kohut: The Mayor mentioned that the reason for combining the Public Hearings is that they all reference the same topic. He then entertained a motion to schedule a Public Hearing for September 28<sup>th</sup> at 7:00 PM.

RESOLUTION #154-2010

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion carries: All

Mel Post: Mr. Post was under the impression that there would be a buffer zone planted with trees by Ginsberg, but that something transpired between Ginsberg and Tilcon and the buffer zone never came to fruition. He also wanted to know if anything was being done with respect to environmental considerations, including the dust from Tilcon blowing into Harbors and also impacting the new road, which he believes will create a dangerous situation.

Max Stach: Mr. Stach stated that the village is not allowed to regulate the quarry mining operations that exist on site. They are handled by the state through the DEC. Complaints and enforcement, etc. have to go through DEC.

Mayor Kohut: The Mayor informed the public that a representative from Tilcon will be at the Public Hearing. The Mayor then announced a Public Hearing for New York State retirement incentives asking Counselor Hood to present the program.

Jay Hood, Sr.: Counselor Hood pointed out that NYS, in an effort to encourage higher salaried and/or older individuals to retire, passed a law to allow municipalities to opt in to one of two plans as follows:

- 1) If you typically need to be 55 to retire in your particular plan you could retire as early as age 50. The village looked into this

- program, which they would have to pay for, and found that no-one qualified in that particular section.
- 2) Another option stated that, as an incentive to have people retire, the village will add one month of benefits to each year of service, up to three years, giving an example of an employee who has 36 years on the job getting an extra 36 months of credit, which would up the employee's pension. There are conditions including the village having to show that there would be a 50% savings in that job title over the next two years. In addition, the village would have to buy the extra benefits for the person retiring.

Counselor Hood then read the following:

Section A: The local law electing a Retirement Incentive Program as authorized by Chapter 105, Laws of 2010, the eligible employees of the Village of Haverstraw.

BE IT ENACTED by the Village Board of the Village of Haverstraw, as follows:

- 1) The Village of Haverstraw hereby elects to provide all of its eligible employees with a Retirement Incentive Program authorized by Chapter 105, Laws of 2010.
- 2) The commencement date of the Retirement Incentive Program shall be October 1, 2010.
- 3) The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be 90 days in length.
- 4) The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Village of Haverstraw for each employee who receives the retirement benefits payable under this local law.
- 5) This act shall take effect August 9, 2010.

Mayor Kohut entertained a motion to open the Public Hearing.

RESOLUTION #155-2010

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion Carries: All

Mayor Kohut: The Mayor opened the floor for questions from the public.

Irwin Scharf: Said he would vote in favor of the plan as long as taxes were not raised because of it.

Mayor Kohut: The Mayor stated that the village has to show that there will be a 50% savings.

Gil Musinger: He stated that even though there will be a 50% savings the first few years the village needs to look at the long range results. According to the retirement local law the village will be paying retirement benefits to all retirees who take advantage of the plan. He asked what this was going to cost the community and the state in years to come, mentioning that there are many legislators who are questioning this incentive. This incentive may be helpful now, but what about in the future. Until a long term study is done he suggested the village hold this in abeyance.

Steve Moetzing, 24 Harbor Point Drive: Mr. Moetzing wanted to know the methodology used to come to the 50% savings requirement. He also asked if it is based just on salary.

Jay Hood, Sr.: Counselor Hood responded that it would be based on "base salary for the individual".

Steve Moetzing: Mr. Moetzing then questioned if the cost of hiring a new employee was taken into consideration.

Mayor Kohut: The Mayor responded with an example: if a person is making \$100,000 the village would have to show that for the next two years there is a \$50,000 savings in that position. Anyone hired in that position would have to take a salary of \$50,000 or less.

Jay Hood, Sr.: Counselor Hood also stated that the village has the option to not fill the position; however, if it is filled the village still has to show a 50% savings. Whether the position is eliminated or if it is filled it has to show a 50% savings, including what the village has to pay for the benefits. There is the possibility of hiring someone at a lower level due to their lack of experience.

No name given: The gentleman agreed with the previous speaker that a long term study should be done because the village does not know what will happen in the future.

Jay Hood, Sr.: Counselor Hood informed both gentlemen that at the end of the two year period it is paid for, the village has a 50% savings and there is nothing to carry into the future.

Mel Post: Spoke about retaining talent and asked if these positions could be filled with responsible employees at half the salary.

Mayor Kohut: The Mayor responded that by just passing a law there is no guarantee that anyone will take the incentive or that it will be offered to any particular person. The village does not have to accept the proposal that is being offered.

Jay Hood, Sr.: The State cannot mandate how the 50% is acquired. The village makes the decision of how it gets to the 50%.

No name given: He asked if anyone at the meeting would be involved in this incentive. He also feels if the village cannot find qualified replacements at 50% of the salary it will hurt the village.

Steve Moetzing: Mr. Moetzing wanted to know the number of village employees that would be eligible.

Judith Curcio: Ms. Curcio responded that there are 10 employees on the list, under Plan A, but they cannot all be targeted.

Steve Moetzing: Mr. Moetzing asked if a rough figure to be targeted would be 3 or 4, what the actual potential savings would be.

Mayor Kohut: The Mayor responded if the potential employees accepted, it would probably approach \$100,000.

Kevin Guthrie, Luke's Auto Body, 22 Maple Avenue: He mentioned that this type of incentive was done by Letchworth Village back in the 70's. When the employees left, they found they could not fill the positions with lower salaried people and ended up hiring back the retired employees at a per diem rate, costing them more than before.

Mayor Kohut entertained a motion to close the Public Hearing.

RESOLUTION #156-2010

Motion by: Terence Watson  
Seconded by: Emily Dominguez  
Motion Carries: All

Mayor Kohut entertained a motion to adopt the Local Law as written.

RESOLUTION #157-2010

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion Carries: All

Mayor Kohut: The Mayor asked for a Roll Call vote to adopt the incentive plan.

Trustee Batista	- Absent
Trustee Bueno	- Absent
Trustee Watson	- Yes
Trustee Dominguez	- Yes
Mayor Kohut	- Yes

Judith Curcio: Ms. Curcio announced the motion passed 3 – 0.

Mayor Kohut:

**REPORTS OF VILLAGE OFFICIALS**

**VILLAGE ATTORNEY**, Jay Hood, Sr.: Counselor Hood had nothing further to report.

**VILLAGE TREASURER**, Judith Curcio: Mrs. Curcio had nothing to report.

**MAYOR'S REPORT**: The Mayor informed the public that the bids to repair the DPW building were all too high and could not be accepted.

Mayor Kohut entertained a motion to reject the bids and return all bid bonds to those contractors who bid on the project.

RESOLUTION #158-2010

Motion by: Terence Watson  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor read a letter he received from the Haverstraw Hispanic American Lions Club requesting use of the village parking lot on West Broad Street for their annual carnival, which will be held from Thursday, August 19<sup>th</sup> to Sunday, August 22<sup>nd</sup>. The board mandated that the carnival be shut down by 11:00 o'clock and that no equipment be moved into the lot until after the seniors

meeting on Monday afternoon and also that all equipment be completely removed upon completion.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #159-2010

Motion by: Terence Watson  
Seconded by: Emily Dominguez  
Motion Carries: All

Mayor Kohut entertained a motion to install a "Stop" sign on Fairmount Avenue with the intersection that connects with Clove Avenue.

RESOLUTION #160-2010

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion Carries: All

The Mayor then mentioned that the next Regular Meeting of the Village Board would take place on Tuesday, September 7<sup>th</sup> at 8:00 PM as Village Hall will be closed on Monday, September 6<sup>th</sup> for Labor Day.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #162-2010

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion Carries: All

The Mayor received a request from the Building Inspector to attend the NYS Building Officials Conference, along with the Asst. Building Inspector, to be held from September 15<sup>th</sup> to September 17<sup>th</sup> in Ellenville, New York. This is an annual requirement of New York State. Total cost of the conference for the Building Inspector will be paid by the Rockland County NYSBOC Chapter. The cost for the Asst. Building Inspector is \$455.00, which is allocated for in the department budget.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #163-2010

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion Carries: All

Mayor Kohut then requested approval to attend a NYCOM Conference to be held in Lake Placid from Tuesday, September 21<sup>st</sup> to Thursday, September 23<sup>rd</sup> at a cost of approximately \$750.00.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #164-2010

Motion by: Terence Watson  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor then proceeded to read a thank you letter from Mr. and Mrs. Joseph Dunn with regard to the fencing for the basketball court on Riverside Avenue.

A "Change Order" and letter was received from SCS Engineers on behalf of Victor Zugibe, Inc. with regard to installing additional sidewalks at the ball field, which was read by the Mayor. The installation can be completed at a cost of \$5,400.00. They are requesting that the cost of this project be approved.

Mayor Kohut entertained a motion to that effect.

RESOLUTION #165-2010

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion Carries: All

The Mayor read a letter from the New Jerusalem Pentecostal Church on Main Street. They have declared Saturday, August 28<sup>th</sup> as Church Outreach Day and have various activities planned, including a small parade. They are requesting permission for the parade, which will begin at 7:00 PM from their location on 57 Main Street to Liberty, Broad, Broadway and then back to the church.

Mayor Kohut entertained a motion to approve the parade.

RESOLUTION #166-2010

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion Carries: All

The Mayor then presented for approval the following budget amendment to provide funding for the emergency sewer repair on Main Street:

Decrease Expense Acct. A1990.4	Contingent	\$35,250.00
Increase Expense Acct. A8120.4	Road Repair	\$35,250.00

Mayor Kohut entertained a motion to approve the budget amendment.

RESOLUTION #167-2010

Motion by: Terence Watson  
Seconded by: Emily Dominguez  
Motion Carries: All

The Mayor discussed a letter he sent to GDC regarding repairs to the DPW building, requesting that they assist the village with the re-skinning and re-sheathing of the building. He then read Mr. Ginsberg's response, which indicated his company is struggling to survive in this economic crisis, stating that the village has done a wonderful job with their revitalization efforts and will eventually have the most beautiful waterfront development on the river. He also stated that all plans for the development of Admiral's Cove must now be considered well into the future and, therefore, the relocation of the DPW may not take place for many years. At this point, the village must assume the responsibility for doing any maintenance of the facility as deemed necessary. He mentioned that GDC has spent millions of dollars on various projects within the village, solely to benefit the village. GDC is committed to helping the villages create a wonderful waterfront and help revitalize the downtown, however, at the present time they are not financially able to volunteer such contributions as they have done in the past.

Mayor Kohut:

**REPORTS OF STANDING COMMITTEES**

**FIRE & ORDINANCES – Trustee Rafael Bueno:** In the absence of Trustee Bueno, Trustee Watson read the Fire Department report submitted by Fire Chief Pete Rugg as follow:

- 1) July 27<sup>th</sup> – The fire chiefs and company officers conducted a walk through drill at Murphy Manor Apartment Building on Route 9W to look into various features that would affect fire operations. An additional drill is being planned at this site before occupancy occurs.
- 2) Each company will continue to drill on new Scott Packs and once the majority of firefighters are trained in their use they will be issued to the company.
- 3) Training – Andy Heater, owner of the former Neptune Company, has been allowing the department to use his building on the west side of Maple Avenue for training, enabling training in search drills, as well as firefighter maneuver drills.

Trustee Watson had nothing further to report.

**PUBLIC WORKS, BUILDINGS & GROUNDS – Trustee Terence Watson:**

Trustee Watson stated that funds have been allocated for the purchase of a new dump/plow truck. The front part of the plow truck, the body, is under a state bid, therefore, the village does not have to bid out for that. The dump body of the truck is not on state bid, therefore, it has to go out for regular bid.

Mayor Kohut entertained a motion to go out to bid for the dump body portion of the plow truck.

**RESOLUTION #168-2010**

Motion by: Terence Watson  
Seconded by: Emily Dominguez  
Motion Carries: All

Trustee Watson continued his report stating that they have continually been repairing the plow and lights on Truck 15 over the past few winters. He presented an estimate to install a Monroe heavy duty 11 foot angle plow, hitch, lights, etc. at a total cost of \$11,609.00.

Mayor Kohut entertained a motion to approve this purchase from Cliffside Body Corp.

**RESOLUTION #169-2010**

Motion by: Terence Watson  
Seconded by: Emily Dominguez  
Motion Carries: All

Trustee Watson then mentioned repairs that are needed to both the interior and exterior of the DPW building. The concrete steps leading to the second floor warehouse need to be replaced. He presented a proposal from W. H. Casser, Inc., Tomkins Cove, to replace the steps on the interior of the garage at an estimated cost of \$5,400.00.

Mayor Kohut entertained a motion to accept the proposal and repair the stairs inside the DPW building.

**RESOLUTION #170-2010**

Motion by: Terence Watson  
Seconded by: Emily Dominguez  
Motion Carries: All

Trustee Watson had nothing further to report.

**YOUTH & FAMILY SERVICES - Trustee Emily Dominguez:** Trustee Dominguez reported that day camp is in its final two weeks and to date it has been a great summer for the kids and everyone is looking forward to the end of camp party. She had nothing further to report.

**BUILDINGS & CODE ENFORCEMENT - Trustee Francisco Batista:** In the absence of Trustee Batista, the Mayor read the Building Department Report for the period of July 26<sup>th</sup> through August 6<sup>th</sup> as follows:

Rental property inspections	-	52
Municipal searches	-	6
Miscellaneous inspections	-	177
Construction inspections	-	67
Complaints	-	28
Violations & tickets	-	73
Permits	-	14

Mayor Kohut: The Mayor requested approval of the minutes from June 21<sup>st</sup> and July 12<sup>th</sup>. Trustee Dominguez did not review the minutes, therefore, approval will be held over for the next meeting.

Mayor Kohut:  
**OLD BUSINESS** - None

Mayor Kohut:  
**NEW BUSINESS** - None

Mayor Kohut:  
**PUBLIC PARTICIPATION - #2**

Noel Rappaport: Mr. Rappaport asked if the DPW building was a corrugated structure and if all the sides are rotting out or just sections.

Mayor Kohut: The Mayor responded the entire structure.

Noel Rappaport: Mr. Rappaport then inquired if the village could purchase the siding and have the village employees replace it.

Trustee Watson: He mentioned that the topic had just been discussed in their workshop.

Steve Moetzing: Mr. Moetzing inquired if there was any update on the streetscape and the DEC issue that the village is trying to overcome.

Mayor Kohut: The Mayor responded that there was no change on the streetscape; however, on the DEC issue he had a conversation with the bridge engineers regarding the capacity of the retention problem. The engineer was supposed to get back to the Mayor last week, but he has not yet heard anything. When a letter is received the Mayor will forward it to the landscapers to see if the quantities are sufficient to help the village.

Steve Moetzing: Mr. Moetzing inquired if there were any updates from Congers or New City as far as how they were able to circumvent this requirement by DEC.

Mayor Kohut: The Mayor stated that the planner from Clarkstown told him that what DEC is demanding of the village is ludicrous and makes no sense. He can not go to DEC with that statement, however, he does have someone who is friendly with the DEC office and has offered to intervene on behalf of the village.

Steve Moetzing: Mr. Moetzing mentioned that, by design, the Harbors has storm water drains on the residences to remove the water from the roofline directly into the storm drains. They do not have gutters that go on to the actual property surrounding the Harbors. He asked if there could possibly be a mutual agreement to migrate some of the water onto the actual grounds where applicable to help handle the storm water issue.

Mayor Kohut: The Mayor asked if their system had excess capacity, because only if it had excess capacity would it be beneficial.

Steve Moetzing: Mr. Moetzing's thought was that the existing square footage of Harbors would be considered if they were able to take that water that is going directly into the storm system to utilize in the area. He believes their property can handle it because of their soil content and the town homes are on slabs, therefore, there would be no adverse effect.

Mayor Kohut: The Mayor will speak with the engineers about that possibility.

Steve Moetzing: Mr. Moetzing then asked about the continuation of the sidewalk project going out to bid and if there has been any progress in that area.

Mayor Kohut: The Mayor responded that they did go out to bid, however, all the bids were returned because they were higher than expected. The engineers have not gotten back to the board as to whether they should reject the bids, rebid or to scope back on the project. They should have something to report at the next meeting.

Steve Moetzing: Mr. Moetzing inquired if the final designs were available for public review of this project.

Mayor Kohut: The Mayor answered "No", because it is not really a design, it is removal and replacement.

Steve Moetzing: Mr. Moetzing mentioned that at the last meeting the question was raised: if during the sidewalk project the village would be doing reviews to insure that those parcels had legitimate approved driveways and were not to benefit from having a sidewalk fit put in if they are in violation of the driveway code. He wants to be sure there are no illegal driveways on any streets.

Mayor Kohut: The Mayor responded that if there are any they will be found in the field, explaining that the village is very old and that curb cuts were put in long ago. Most of those properties do not have curb cut permits. If any property is found to be non-conforming the village will take care of it at that time.

Steve Moetzing: Mr. Moetzing inquired if that review would take into consideration the requirements currently in place for driveways, such as the appropriate bed of gravel, macadam, etc.

Mayor Kohut: The Mayor responded "No".

Steve Moetzing: Mr. Moetzing then inquired if in those circumstances where it is clearly obvious that someone has a non-conforming driveway, such as a brick driveway that is non-compliant, if those people would be dealt with appropriately. He asked how the village is going to determine the illegal driveways.

Mayor Kohut: The Mayor responded that they would be reviewed in the field, however, if the person has a pre-existing legitimate driveway that might not meet today's standards, it does not mean that the village can do anything to them.

Steve Moetzing: Mr. Moetzing asked if those people would have to have amended their plot survey to show inclusion of a driveway.

Jay Hood, Sr.: Counselor Hood does not believe there is such a thing as a pre-existing driveway, however, maybe under the maintenance laws the village could require a homeowner to repair an inadequate driveway, however, he does not believe the village has the power to make them dig it up and replace it.

Steve Moetzing: Mr. Moetzing stated that when the village starts to lay new sidewalks, the illegal driveways will destroy the esthetic quality of the streets and those people are breaking the law and should not benefit from a curb cut where there should not be one. He is hoping that during the process the village is taking the time to review each property and insure that they are compliant. He feels engineers should be walking the streets and reviewing parcel by parcel to insure driveways are on the site plan.

Adam Stein, 1322 Round Point: Mr. Stein had two suggestions for the board to consider for "STOP" signs at Broadway and New Main. He inquired if there were any way to obtain yellow pedestrian crosswalk signs, because there should be no question as to who has the right of way, the person or the vehicle.

Mayor Kohut: The Mayor stated that those corners are so tight that trucks, buses, fire apparatus, etc., have difficulty maneuvering around. He really does not feel that would work at the bank corner.

Adam Stein: Mr. Stein mentioned that when walking from the village to the ferry that the new sidewalk on West Street looks very nice, but then it ends by the property that was knocked down. He feels it is a very dangerous situation walking the rest of the way to Dr. Girling Drive and that the sidewalk should be extended into that area.

Gil Musinger, 1416 Round Point Drive: Mr. Musinger stated that when Nyack appropriated funds to replace sidewalks they did it with the understanding that if the owner of the property wanted the sidewalk replaced he would have to pay 50% of the cost and most of the people accepted it. He suggested the board consider this option.

Mayor Kohut: The Mayor thanked Mr. Musinger and mentioned that the board has already given this some thought for repair jobs and smaller sections.

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

RESOLUTION #171-2010

Motion by: Emily Dominguez  
Seconded by: Terence Watson  
Motion Carries: All

Respectfully submitted,

Beverly A. Swift  
Senior Steno Clerk