

The **Minutes** of the **Regular Board Meeting** held on September 8, 2009 by the Mayor and the Board of Trustees.

PLEDGE OF ALLEGIANCE

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

Mayor Kohut: First item is public participation. If anyone would like to make a comment in general, they are welcome to do so at this time. Just give your name and address for the record.

Pat Gordon, from the Brick Museum: First of all, I'd like to give all of you an invitation for the Brick Museum. I would like to see some more participation from this board with the Brick Museum. On September 20th, we are having our 400th Anniversary. On Friday the 25th we are having a party for the Brick Swap. So far I have people from five states coming. I'd like to see the board come in and at least show that we are participating and helping. On Saturday, we are having the Brick Swap up at Bowline Park from 7:30 to 12:00 pm. This invitation is for all the employees of the office.

There are two things that I would like to complain about in Haverstraw. There is a store that you can't see through. This is illegal.

Mayor Kohut stated this was not in the Business District. The law covers the CBD –Central Business District.

On West Street, they have a refrigerator up against the window and then they have things on top. This is illegal because 25% of the window has to be free.

Mayor Kohut stated that they have been working in there lately.

Mayor Kohut: Anyone else? Otherwise, we will continue on with a public hearing with an amendment to the village sign law. I will turn it over to the Village Attorney, Jay Hood, Sr.

Village Attorney: Very simple modification of the sign law. When it talks about temporary political signs, there is a better definition of what a political event is. We have expanded it to encompass elections, primaries and referendums and also the signing of petitions. In fact, the old definition probably covered all of those anyway, but this is a result of a lawsuit against the village. We are also defining that when temporary political signs are up, it should refer to the specific event that it refers to so that people would know what the timing is. These can only be put up 45 days before the event that they are referring to and they have to be taken down immediately thereafter. I think it's a lot clearer than it was before.

Mayor Kohut: We are now opening the public hearing for comment upon this proposed amendment to the village sign law.

Noel Rappaport, 31 New Main Street-What time frame do they have to remove the signs?

Village Attorney: I do not remember off the top of my head, but that is in the old law.

Noel Rappaport asked if this was going to be enforced with any fines.

Village Attorney said yes that there were fines for violating any portion of the law.

Mayor Kohut: Anyone else with comments concerning this proposed change for the village sign ordinance? If not, then I'll entertain a motion to close the public hearing.

RESOLUTION #199-2009

Motion by: Rafael Bueno
 Seconded by: Tom Watson, Jr.
 Motion carried: All

Mayor Kohut: Could I have a motion to approve the amendment to the sign law?

RESOLUTION #200-2009

Motion by: Tom Watson, Jr.
 Seconded by: Rafael Bueno

ROLL CALL VOTE	Trustee Batista	Yes
	Trustee Bueno	Yes
	Trustee Dominguez	Absent
	Trustee Watson	Yes
	Mayor Kohut	Yes

4- Yes Motion passes.

Mayor Kohut:

Reports of Village Officials:

Village Attorney- As a result of the Short Clove bridge overpass, a large portion of Tilcon's quarry has been condemned for the purpose of the overpass. You have seen the circular runway down there, in the middle is the drainage pond. Without that, Tilcon is attempting to move some of their operations to different portions of their site and have asked us to do a zone change for that purpose. This requires a SEQRA application for environmental purposes and it also calls for the consultants of the village to spend a lot of time and effort to review the plans that are going to come in along with the application. Tilcon has agreed to establish a \$25,000 escrow account with the village for paying the village's consultants so that it doesn't cost the taxpayers any money. That will be used to pay engineer, planner, attorney, etc. for reviewing and attending meetings and hearings. When the \$25,000 is paid down to \$5,000, it will be replenished to \$25,000. I would like a motion authorizing the Mayor to enter into this escrow agreement that I just described with Tilcon. If I could have a motion to that effect?

Village Board Trustee Watson offered the following resolution and moved its adoption:

RESOLUTION APPROVING, AND AUTHORIZING THE EXECUTION OF, THE ESCROW AGREEMENT FOR TILCON NEW YORK, INC.'S PAYMENT OF THE VILLAGE'S SEQRA COSTS

WHEREAS, in 1999, MGD Holdings, LLC ("MGD") proposed a public/private redevelopment project within a portion of the downtown waterfront in the Village; and

WHEREAS, on December 13, 1999 the Village Board declared its intent to serve as lead agency for the MGD project pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on November 20, 2000 the Village Board declared the MGD project a Type I action under SEQRA and that a Draft Environmental Impact Statement would be prepared as the project may have had an adverse impact on the environment; and

WHEREAS, on November 19, 2001 the Village Board accepted a Draft Environmental Impact Statement for the MGD project, and after public hearings, on January 7, 2003 the Village Board found the Final Environmental Impact Statement complete and that the MDG project would have no significant adverse effects on the environment; and

WHEREAS, thereafter, MGD commenced construction of its Harbors at Haverstraw development on the shore of the Hudson River in the south of the Village; and

WHEREAS, in 2003, the New York State Department of Transportation (“NYSDOT”) proposed to construct an alternative access route to Route 9W in the south of the Village to remedy the dangerous and inefficient situation presented by the intersection of Short Clove Road and Route 9W for the residents of the Harbors at Haverstraw development and other residents and motorists in the Village; and

WHEREAS, in 2006, the NYSDOT proposed that to provide the alternative access to Route 9W it would construct a new access ramp from Riverside Avenue to Route 9W and eliminate the railroad grade crossing at Short Clove Road and Route 9W, and to complete such a project it would enact eminent domain takings on private property in the Village; and

WHEREAS, in February of 2007, the NYSDOT, acting as lead agency for the environmental review, completed a Project Report and Environmental Assessment which concluded that the construction of the ramp and the eminent domain taking would be classified as a Class II project pursuant to NEPA, and as a Non-Type II action pursuant to SEQRA, concluding that the action would have no significant adverse impacts on the environment and both a Finding of No Significance pursuant to NEPA and a Negative Declaration pursuant to SEQRA were made; and

WHEREAS, the NYSDOT Project Report and Environmental Assessment analyzed the construction and realignment of the traffic patterns in the Village with the new access ramp, and environmental and land use impacts associated with the eminent domain taking and the construction; and

WHEREAS, in 2008 the NYSDOT implemented the eminent domain taking on private land in the Village owned by and included in the New York State Department of Environmental Conservation (“NYSDEC”) Mined Land Reclamation Permit of Tilcon New York, Inc., (“Tilcon”) and the NYSDOT then began preliminary construction on the new access ramp; and

WHEREAS, on December 1, 2008, the Village initiated review under SEQRA to consider the impacts associated with the discontinuance of Short Clove Road, certain land use and planning actions, and the amendment to Tilcon’s NYSDEC mining plan necessitated by the NYSDOT eminent domain taking and the construction of the new access ramp to Route 9W (the “Project”); and

WHEREAS, on February 19, 2009, pursuant to 6 NYCRR 617.6(b)(3)(i), the Village circulated a SEQRA lead agency coordination letter and Part 1 of the Environmental Assessment Form to the other involved agencies (NYSDOT, Region 8; NYS Department of Environmental Conservation, Region 3; Rockland County Department of Highways; Rockland County Department of Planning) stating that the Village desired to assume lead agency status for the Project; and

WHEREAS, on May 15, 2009, having received no objections to its request to act as lead agency for the Project within the time period imposed by 6 NYCRR 617.6(b)(3)(i), the Village assumed the position of lead agency for the Project, and pursuant to 6 NYCRR 617.7, based on the recommendation of its consultants, the contents of the Environmental Assessment Form, and the criteria in 6 NYCRR 617.7(c), the Village made a finding of significance, declared the Project a Type I action, and issued a Positive Declaration and direct that a Draft Environmental Impact Statement be prepared for the Project; and

WHEREAS, thereafter, the Village filed, published and circulated the Positive Declaration to the other involved agencies in accordance with 6 NYCRR 617.6(b)(3)(ii) and 6 NYCRR 617.12, and directed its consultants and legal counsel to prepare and review the environmental impact statements required for the Project; and

WHEREAS, the Village and Tilcon have come to an agreement that Tilcon will reimburse the Village for the costs of the preparation and review of the environmental

impact statements for the Project, because a portion of the Project includes the amendment to Tilcon's NYSDEC mine plan; and

WHEREAS, the Village, based on the aforementioned agreement with Tilcon, wishes to enter into the escrow agreement attached hereto as Exhibit "A", which memorializes the Village and Tilcon's agreement and will provide for Tilcon's payment of the Village's SEQRA costs for the Project.

NOW, THEREFORE BE IT

RESOLVED, by the Village Board at a regular meeting held on September 8, 2009, that the Village hereby approves the escrow agreement attached hereto as Exhibit "A" for Tilcon's payment of the Village's costs for the preparation and review of the environmental impact statements for the Project; and be it further

RESOLVED, that the Village Board hereby authorizes and directs that the Mayor, or his designee, execute the escrow agreement attached hereto as Exhibit "A" and direct that the Village's consultants and legal counsel perform their services in connection with the environmental impact statements necessary for the Project; and be it further

RESOLVED, by the Village Board that the officers, agents and employees of the Village are hereby authorized and directed to do such further things or perform such further acts and execute such documents as are necessary and/or appropriate to promptly effectuate this resolution and proceed with the Project.

Seconded by Village Trustee Bueno and duly put to a vote, which resulted as follows:

Village Mayor Kohut	voting	Yes
Village Trustee Batista	voting	Yes
Village Trustee Bueno	voting	Yes
Village Trustee Dominguez	voting	Absent
Village Trustee Watson	voting	Yes

RESOLUTION #:191 - 2009

Introduced by: Trustee Watson

Seconded by: Trustee Bueno

Motion passes: Yes - 4
 No - 0
 Absent - 1

Mayor Kohut: Some months ago we applied for Community Development Block Grants for this year and in order to finalize the process we need to pass a resolution accepting the 2009 agreement with the office of Community Development and authorize me to sign the 2009 sub recipient agreement. Can I have a motion to that effect?

Resolution # 201 – 2009

Motion by: Francisco Batista

Seconded by: Tom Watson, Jr.

Motion carried –All

Village Treasurer: My report for June 2009: June disbursements were \$542,376.00. June revenue collected was \$4,400,676.00. That ends my report.

Mayor's Report: In discussions with the board, we had discussed some changes to the taxi parking downtown on Wayne Street. We have come to an agreement to remove the two spaces on Wayne and replace it with one taxi stand space on Main Street. If I could have a motion authorizing this, so that DPW can take care of that signage?

RESOLUTION #202-2009

Motion by: Rafael Bueno

Seconded by: Tom Watson, Jr.

Motion carried: All

Mayor Kohut: At a previous meeting we discussed the fact that we had received a notice of claim from the PBA regarding the horses and the action that we took by inviting the Sheriff's Dept. horse patrol and that it was an interference with their right to work. They filed a notice of claim with the village that they could proceed with a lawsuit against us. We have since prepared some petition sheets that we plan on putting out through the village asking people to sign that they are in favor of continuing the horse patrol. It shows the officers that while we respect them, we also respect our right to have some additional presence in the village in the form of a horse patrol. If people would be interested in signing that or having them in their stores, we have them up here. The horses are here on Fridays and Saturdays, every third or fourth weekend. They rotate between Haverstraw, Nyack and Spring Valley.

We have a request from La Iglesia Puerta Del Cielo. This time they are also a Haverstraw church. They have services in the church on Lincoln Street. They are requesting to use a portion of the lot at the Knights of Columbus on September 27th from 12:00 to 7:00 pm.

RESOLUTION #203-2009

Motion by: Rafael Bueno

Seconded by: Francisco Batista

Motion carried: All

They will have to provide the appropriate insurance prior to that.

Mayor Kohut: This coming Sunday, we have the Haverstraw's 8th Annual International Street Festival. It will be from 11:00 am to 5:00 pm on New Main Street, Main Street down to Third Street, and from West and Fairmount, North on Broadway to Broad Street. We invite everyone to come down and participate.

We have a continuing problem with leaking on the village hall roof in heavy rains. We had three different roofers in to look at it. One who declined to give a bid and two others who gave us a bid to basically to redo all the seams on the flat roof. The low bidder for it was Top Side Systems with a price of \$9,880.00. If the board chooses, I'd like someone to make a motion to authorize this bid, so we can have this roof fixed.

RESOLUTION #204-2009

Motion by: Francisco Batista

Seconded by: Rafael Bueno

Motion carried: All

We have a requested resolution from the North Rockland Central School District that has been approved by them and they are asking us to likewise pass a resolution. It reads as follows:

Whereas, the North Rockland Central School District thrives to provide quality education to 8,000 students,

Whereas, the District works to provide education in a way that recognizes the needs of its taxpayers,

Whereas, the District is proud of its achievement of our direct population of students; and

Whereas, over the past five years the district has lost large amount of revenue due to reductions in assessments of properties operated by the Mirant Corporation; and

Whereas, that loss of revenue has caused the district to reduce the staff and services for our students; and

Whereas, Mirant has indicated that additional future actions will result in even more devastating losses of revenue to the district; and

Whereas, our local elected officials including the Supervisor of Haverstraw and Stony Point by proposed strategies that would litigate the impact of Mirant's action; and

Whereas, those strategies have been shared with our elective state representatives and have been shared in person with the New York State Attorney General,

Therefore, Be It Resolved, that the North Rockland and that the Village of Haverstraw supports these efforts in support of our students and our taxpayers, and

Be It Further Resolved, that copies of this resolution shall be circulated to local and State officials and made available to our residents who may wish to lend their support as well.

Mayor Kohut: If we choose to, we can pass a similar resolution and make sure it's provided accordingly. Would anyone like to make that resolution?

RESOLUTION #205-2009

Motion by: Tom Watson, Jr.

Seconded by: Francisco Batista

Motion carried: All

Mayor Kohut: We have some budget amendments to make. Our accountant is asking to make the following changes: To decrease the Expense Account 1990.41 Contingent Overtime by \$23,043.91. Increase Expense Accounts for Justice Court Personnel by \$1,869.03, Building Department Personnel \$3,462.24, DPW Personnel \$8,803.49, DPW Administrative Personnel by \$3,340.94, Treasurer by \$5,206.00 and Parking by \$362.21. If I could have a motion?

RESOLUTION #206-2009

Motion by: Tom Watson, Jr.

Seconded by: Rafael Bueno

Motion carried: All

Mayor Kohut: We have two requests from the Treasurer's office. One is to allow us to solicit quotes for new payroll services. Could I have a motion to authorize the treasurer to solicit for new payroll services?

RESOLUTION #207-2009

Motion by: Francisco Batista

Seconded by: Tom Watson, Jr.

Motion carried: All

The second one is a request to prepare an RFP for actuarial services for May 2010. There is a new requirement by the State of New York for municipalities to have actuarial services provided to determine the cost of post retirement benefits of our employees and to include those within our financial statement. We need to request for proposal for three years - to request for services for 2010, 2011, and 2012. If I could have a motion to that effect?

RESOLUTION #208-2009

Motion by: Tom Watson, Jr.

Seconded by: Francisco Batista

Motion carried: All

Mayor Kohut: There is a request from Vanessa Sortano, 60 Hudson Avenue.

Vanessa Sortano: I need a special permit to provide services to four medically disabled men. I am a social worker. I have never had any problems.

Village Attorney: The first question is how is this different from the last application?

Vanessa Sortano: Well, the last application had a different population and different needs.

Village Attorney: How many people are there now?

Vanessa Sortano: There would be four men. They are temporarily moved out until this is resolved. I would like to receive the approval from this board so that I can continue with my services. I only have the children in the house right now. I take them to their doctor appointments. They do not wander around.

Village Attorney: You have to file a Special Permit Application. I'll ask the board to accept your application and refer it to the Planning Board for their review and recommendation back to this board. There is a TAC meeting the third Wednesday of the month at 10:00 am where we will discuss with you your application and what the requirements are. To get this permit, you need a certain number of things. Can I have a motion to refer the application to the Planning Board?

RESOLUTION #209-2009

Motion by: Francisco Batista

Seconded by: Tom Watson, Jr.

Motion carried: All

Mayor Kohut:

Reports of Standing Committees-

Fire and Ordinance, Trustee Bueno: One of the apparatus from the fire department needs a paint job. The paint is cracking. The price is \$9,458.20. I make a motion that we give them permission to send it to get painted. Also, on the same apparatus, the letterhead is ruined and needs to be redone and replaced. The cost is \$2,367.00. I make a motion that we give them permission to do it.

RESOLUTION #212-2009

Motion by: Rafael Bueno

Seconded by: Tom Watson, Jr.

Motion carried: All

Trustee Bueno: I have an application for the fire department from Gisselle Rodriguez. The legal address is 7 Elks Drive, Haverstraw. The date of birth is 6/4/93. This makes him a junior firefighter. He has never applied or refused. He has never been dropped. There is no sign of handicap. He is applying as a resident and has never been convicted of a crime. He wants to join Lady Warren Hose Co.#5. The application is legally notarized. It's being proposed by Tom Horan.

I have another application from Don Kranston. The legal address is 131 Broadway, Haverstraw. His date of birth is 8/2/63. He has never applied or refused. He has never been dropped. He is applying for Lady Warren Hose Co#5. The application is legally notarized. It's also proposed by Tom Horan. I make a motion that we accept them.

RESOLUTION #213 – 2009

Motion by: Rafael Bueno
 Seconded by: Tom Watson, Jr.
 Motion carried: All

Mayor Kohut: I just wanted to add that in the past week the Haverstraw Fire Department has fought two fires quite successfully. One in the Miller, Miller & Shandler building - with damage to the basement level. Then the fire up at the 9W Auto Place across from the nursing home, which was a far more difficult fire and did result in some injuries to our fire fighters, one who remains in the hospital because of smoke inhalation. I was at both of them. I just wanted to commend the chiefs on their good work.

Public Works, Buildings and Grounds, Trustee Watson- The DPW has been out preparing some streets. Hallmark Homes is ready for resurfacing. They have worked on the park between Jefferson Street and Clinton Street. They have created a new pathway and planted new grass seeds. They have worked on the DPW trailer. We had a fire in the back of the building. They continue to pick up bag leaves, white goods, and construction debris. They installed street signs, posts and installed guardrails on the Jefferson Street Park. They are also getting ready to work on the parking lot on Jefferson Street and Broadway. We are going to be putting up guardrails there and blacktopping that area. Now that we do have this new trailer with refrigerator and microwave for the guys when they work late night hours, we need to install a camera system. Locks have been cut and garbage has been dumped at night. We have a couple of bids, one from Rappaport Alarm Systems and one from Superior Auto Visual. The least expensive bid is for a digital video recorder at a price of \$2200 from Rappaport Alarm Systems. I make a motion we allow that for them to install this camera system.

RESOLUTION # 214 – 2009

Motion by: Tom Watson, Jr.
 Seconded by: Rafael Bueno
 Motion carried: All

Youth and Family Service, Trustee Dominguez- She is not here.

Buildings and Code Enforcement, Trustee Batista- No report.

Old Business: None

New Business: None

Public Participation:

Gil Carlevaro, 43 Leonard St.- I know you guys have no power over the Haverstraw Police Department. I know that you have the new parks. Are we getting more police participation for the Village?

Mayor Kohut: Not within any guaranteed numbers. We were talking during our workshop that it seems that the presence has increased significantly in the past couple of months. Partly because it always ramps up in the summer. There seems to have been an increased presence in the village.

Gil Carlevaro: Have they talked about putting either a sub station or some sort of a storefront somewhere on Main Street or Broadway where they could have a desk with an office to actually show people that they are there?

Mayor Kohut: No, they use our old police station as a sub station. Cameras are monitored there as well as up at the town. The door is always locked.

Gil Carlevaro: Would the board mind if I went to a Haverstraw Town meeting and ask them to set up a location on Main Street or Broadway?

Mayor Kohut: I think we would all be more than happy to have that. I hope I am not speaking for everybody here.

Melissa Saravia, 114 Hudson Ave.- I didn't hear what the payment is for?

Trustee Bueno: It's for one of the apparatus in the fire department.

Mayor Kohut: One of the trucks is beyond the warranty period. It's a 1998 truck and went out of warranty. The paint has basically come off.

Melissa Saravia: I wanted to know if anything could be done with the hours that the taxis blow their horn. There will be times when it's 9:00 in the morning or 10:00 at night.

Mayor Kohut: Technically speaking we already have something in the books. We do have a noise ordinance, which says any excessive noise beyond 50 feet or 100 feet is a violation of the noise ordinance. You just have to have a cop there at the time to hear the noise and do something about it.

Noel Rappaport, 31 New Main Street- He wanted to know what was happening with the streetscape.

Mayor Kohut: We are preparing all the construction documents now. The streetscape for Main Street, Broadway and New Main Street is scheduled to go out to bid in the spring or in the winter for spring construction. We have a \$2 ½ million grant plus another \$700,000. As of now, we are scheduled to be under construction next year. The Community Development called and said "is there something that we can do with stimulus money if the county executive gave it to us?" I said yes. I told them that I had streets that definitely needed paving. We recently went out to bid to pave the streets. We received this \$100,000 to add to the pot for the ten streets that were paved.

Janet Elliott, 57 Clove Ave.- Back to the noise ordinance, do you know what the parameters are time wise?

Mayor Kohut: The noise ordinance I think is 11:00 p.m. to 7 or 6:00 p.m. In the morning, I believe it's after 7:00 a.m.

Sean O'Malley, 116 Hudson Ave.- Are there any code violations reported?

Mayor Kohut: Everyday.

Sean O'Malley: Is it public on what's going on?

Mayor Kohut: Certainly the violations that are issued, we can summarize and categorize them somehow.

Sean O'Malley: On that roof repair, do they guarantee their work? I think it's three years.

Mayor Kohut: There is a guarantee. This new process that he uses, he's been doing since 1998. It has yet to fail.

Sean O'Malley asked about the property at 68 Hudson Avenue.

Village Attorney stated that she has been doing this for a number of years. There are requirements from the state and county that she needs to follow. This type in particular is where the people do not leave the residence.

Mayor Kohut: Anyone else for public participation? If not, I'll ask for a motion to adjourn this meeting.

RESOLUTION # 215 – 2009

Motion by: Rafael Bueno
Seconded by: Tom Watson, Jr.
Motion carried: All

Respectfully submitted,

Sandra Castro
Clerk/Typist