

VILLAGE OF HILLBURN
Board of Trustees Meeting
Tuesday, October 12, 2021 – 7:00PM

MINUTES OF THE BOARD OF TRUSTEES MEETING held on Tuesday, October 12, 2021, in the Municipal Meeting Room, 31 Mountain Avenue, Hillburn, New York 10931, via GoToMeeting.com and Facebook Live, commencing at 7:00PM.

PRESENT:

Joseph P. Tursi, Mayor
Bernadette Tarantino, Trustee
Bonnie O’Blenis, Trustee
Terry Rice, Village Attorney (via GoToMeeting.com) (left meeting early)
Eve Mancuso, Village Engineer (via GoToMeeting.com)
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. Deputy Mayor-Trustee Tarantino led in the Salute to the Flag.

Minutes of the 9/28/2021 Meeting - Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

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

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

Police Commissioner’s Report

-Mayor Tursi reported he has not received any additional information from Ramapo Police Lieut. Blaine Howell regarding the installation of License Plate Readers in the Village.
-Trustee O’Blenis stated she had reported an incident to the Ramapo Police whereby she had witnessed an unfamiliar truck idling near children waiting for the school bus. When asked, the children stated that they did not know the driver.

Village Water System

-SUEZ Water New York – Bill of 10/6/2021: \$10,609.57 - Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

-Testing of Meter by SUEZ Water New York - Pending.

-Northeast Leak Detection – Report for West Side of Rte 17 & Invoice #103257 Received on 10/6/2021: \$575.00.

Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

DPW Report - DPW Supt. Conklin

Signage on Community Room – As approved by Mayor Tursi, Supt. Conklin reported lettering was placed on the windows of the Community Room “Village of Hillburn Community Center” by Creative Car Crafts at the cost of \$250.00.

Ratified by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

2021 Ford F-550 DPW Truck (1/11/2021 PO #2044) – Supt. Conklin reported he had received notification last week from Genesee Valley Ford that the truck body was being painted and delivery may be in the next week or so.

-RE: Purchase of Related Equipment: Plow & Spreader – Supt. Conklin submitted a 10/6/2021 Estimate from Traffic Safety Direct for purchase and installation of a 9’ Plow and a Spreader at the total cost of \$14,755.06.

A MOTION was made by Trustee O’Blenis and seconded by Trustee Tarantino to accept the 10/6/2021 estimate and to issue a Purchase Order to Traffic Safety Direct for the purchase and installation of a 9’ plow and spreader for the 2021 F-550 Truck, at the cost of \$14,755.06, and

FURTHER, funding will be out of the 1/14/2021 BAN (DPW Truck & Related Equipment)

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis
Noes: None

-Supt. Conklin stated that when delivered, the new truck will be taken to Traffic Safety Direct for installation of plow and spreader.

-Garbage Truck – There is an issue with the seal that was installed by Sanitation Equipment Corporation. This issue will be addressed when the truck is taken back for installation of the injector seal.

-Firehouse Roof – Supt. Conklin will reach out to Wilke Williams for an estimate.

-Flushing of Hydrants – As reported, the hydrant flushing was performed on 10/5, 6 & 7/2021.

-Highway Superintendents Association – Notice of 10/21/2021 meeting – Marcello’s Restaurant.

-Hudson Valley Water Works Conference – Supt. Conklin reported that an upcoming meeting will be held on 11/4/2021.

-NYS DOT – 10/6/2021 Notice – RE: CHIPS, PAVE-NY and EWR funding.

Tropical Storm Isaias 2020 – Public Assistance - NYS Dept. of Homeland Security & Emer. Services (DHSES) – Paperwork for reimbursement of Clerical Work (Category Z Project for Management Cost) is being processed.

H.F.D. Report – HFD Chief Starr reported:

The HFD had responded to several calls and automatic alarms since the last Board Meeting:

9/30/2021 - Car fire and Mutual Aid in Mahwah for a structure fire. An issue was detected with the air brakes system on the CFR and Chief Starr reported he had contact NJEV for repair.

10/2/2021 - Mutual Aid in Mahwah for a Tractor Trailer Fire. Chief Starr reported that an order was placed with MES for 35 gallons of foam to replace what was used during the HFD's response. Mahwah FD will be reimbursing the Village for the foam. **Ratified by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O'Brien
Noes: None

10/8/2021: Rescue in Woods (responded with UTV) and a vehicle fire.

-The HFD and Ladies Auxiliary will be holding the Annual Halloween Parade at 7:00PM on 10/31/2021.

UTV - Chief Starr reported the emergency lights were installed –East Coast Emergency Lighting, Inc. - Invoice #28412: \$1,771.08. **Approved by Village Board.**

Ayes: Mayor Tursi, Trustees Tarantino & O'Brien
Noes: None

SAM Capital Funding Grant Applications

-SAM Grant - Sponsored by Assemblyman Lawler's Office – Revised Funding Application: Pre-Fab Building and Back Hoe – Submitted – Mayor Tursi advised that Assembly Lawler's office had inquired if the Village had received any further correspondence regarding the SAM Grant. Mayor Tursi replied no.

-SAM Grant – Sponsored by Senator Elijah Reichlin-Melnick's Office – 6/30/2021 Letter Request for Funding - Proposed Project Application: Veterans Memorial Park Pond Restoration – The Application, as approved on 10/12/2021, has been duly filed.

Village Engineer's Report – Engineer Mancuso reported:

2021 Repavement Project – Funding: CHIPs Program - Proposed Areas: 5th St (from Mountain Ave. to Hickory Ave.), Hickory Avenue (from 5th St. to 6th St.), 6th St. (from Hickory Ave. to Rockland Ave.)

-RE: Milling - Engineer Mancuso reported that Cavaliere Industries has advised that the start-up date may be in November, as he is working in another location. As discussed with Mayor Tursi, Tilcon was requested to submit a proposal for milling. Tilcon's Proposal: \$20,323.98. Cavaliere's Contract Price: \$11,088.85.

-Engineer Mancuso also noted that Cavaliere was not awarded the Rockland County Bid for next year.

Attorney Rice stated that it would seem that Cavaliere would be obligated to complete the project under the terms of this contract, as the contract does not indicate a date for the work to be completed.

-The Village Board concurred that if the project does not commence by 11/30/2021 (weather permitting), it will be postponed until spring 2022.

RE: Installation of Eruvs in the Village

Mayor Tursi explained the purpose of eruvs: An eruv is a boundary made with fishing line attached to utility poles (or other poles, if necessary) that create an area within which observant Jews can carry or push, among other things, house keys, tissues, medication, or babies with them, and to use strollers and canes on the Sabbath (which lasts from sunset on Friday to sunset on Saturday), without violating a Jewish law that prohibits carrying anything except within the home.

-Mayor Tursi gave an overview of the current situation whereby the Village Board authorized the installation of several additional poles for the placement of eruvs along Route 17 and Sixth Street, in addition to on utility poles. The project was suspended by the Village Board when Mayor Tursi and Trustee O'Brien observed that work was being done outside of the perimeters of the authorization, including failure to coordinate the installation of poles with the DPW Supt., excavating holes and leaving them unfilled creating a safety hazard, marking or erecting poles on private property without obtaining the authorization of the property owner, failure to provide a certificate of insurance in an adequate amount, including Workers Compensation coverage and naming the Village as additional named insured, and failure to obtain authorization from O & R Utilities.

-As of this date, the project remains suspended.

-Mayor Tursi stated that public comments will be heard later in meeting.

Village Attorney's Report –

Hillburn vs. Noved/Nicholas Cianciaruso, et. al – 12/1/20 Decision and Order signed by Judge Eisenpress

-Remediation of Site – Attorney Rice reported that he has received the written report from Mr. Getchell of Weston and Sampson (Engineering firm selected to do the soil sampling) and will be submitting it to Judge Eisenpress to obtain an Order for Remediation. He has been in touch with the DEC's Counsel who advised that he has been waiting for approx. 5 months for Mr. Cianciaruso to provide a remediation plan. After Attorney Rice sends the correspondence to Judge Eisenpress, he would like to set up a virtual meeting with federal and state representatives, as well as the EPA, DEC and the representatives of the State of New Jersey to discuss various ways to remedy this situation.

-Engineer Mancuso stated she had advised a DEC representative of this matter during a recent MS4 Audit and will provide the Village Attorney with her contact information.

A MOTION was made by Trustee Tarantino and seconded by Trustee O'Brien to suspend the regular meeting in order to continue the Public Hearing regarding Introductory Local Law No. 5 of 2021.

Ayes: Mayor Tursi, Trustees Tarantino & O'Brien
Noes: None

7:30PM – Continuation of 9/14/2021 Public Hearing – Introductory Local Law No. 5 of 2021 –

A local law amending Chapter 250 of the Code of the Village of Hillburn

(Adjourned on 9/14/2021 to allow time for receipt of GML Review from the RC Dept. of Planning)

Mayor Tursi read the Notice of Public Hearing, that was duly posted, published on 9/01/2021

-Mayor Tursi stated that a Planning Committee, comprised of Village residents, Village Board, Village Attorney and Village Planner, provided an updated Master Plan and Zoning Local Law that was adopted on 1/14/2020. It was later determined that several additions/revisions were necessary, as detailed in Introductory Local Law No. 5 of 2021 that has been posted online and available for review at the Village Office. (attached).

Hearing was opened for Public Comments. (Attachment)

A MOTION was made by Trustee O'Brien and seconded by Trustee Tarantino that the Public Hearing be adjourned to 10/26/2021, at 7:30PM, to allow the Village Attorney and Village Planner to address the comments stated in the RC Planning Dept.'s GML Review as discussed at the 9/28/2021 meeting.

Ayes: Mayor Tursi, Trustees Tarantino & O'Brien

Noes: None

8:36PM

A MOTION was made by Trustee Tarantino and seconded by Trustee O'Brien to re-open the regular Board of Trustees meeting.

Ayes: Mayor Tursi, Trustees Tarantino & O'Brien

Noes: None

-NYSIF - Paid Family Leave (PFL) – Attorney Rice reported he is reviewing the information regarding the PFL Policy. Attorney Rice was excused from meeting.

Warrant to Rockland County of Unpaid 2021 Village Taxes

A MOTION was made by Trustee Tarantino and seconded by Trustee O'Brien authorizing the Village Clerk-Treasurer to prepare and submit the Warrant of Unpaid 2021 Village Taxes at 11/01/21, including penalty, to the County of Rockland.

Ayes: Mayor Tursi, Trustees Tarantino & O'Brien

Noes: None

Satori Energy – Electricity Contract Renewal (Eff 12/2021) – Quotes for electric and gas suppliers are being requested.

\$125,000 BAN – Dated 1/14/2021 (DPW Vehicle, DPW Pre-Fab Garage & Misc. Office Equipment)

-No change to Financial Report dated 9/28/2021.

2021 Assessment Roll - No report.

Personnel Manual – Manual is to be updated to include COVID-19 protocol.

Insurance – No report.

Various Capital Improvements (In accordance with 9/1/16 BAN)

-A Financial Report at 9/28/2021 was supplied.

2016 Master Plan Committee – Comprehensive Plan & Related Zoning – Adopted 1/14/2020

Introductory Local Law No. 5, 2021 - Proposed Revisions to Zoning Law – Public Hearing held earlier in meeting. (to continue on 10/26/2021)

General Code Publishers

-Proposal/Estimate for Updating Village Code Book - Between \$6,985.00 and \$7,630.00. (Tabled at 8/18/20 meeting until proposed revisions are made to Zoning Code). Tabled

-Proposal for Laser fiche – Tabled.

Village Website Update – Response from equaTek pertaining to amendment to Agreement, as recommended by Attorney Rice, is pending. Mayor Tursi will reach out to equaTek.

Zoning Board of Appeals –

4/23/21 Application filed by Jay Kim – Public Hearing continued on 10/12/2021 at 6:00PM. (ZBA Approved Application)

Planning Board – No report.

Building/Fire Inspector's Report – Building/Fire Inspector Gordon not present.

-The Village Board acknowledged receipt of copies of correspondence from the Bldg/Fire Insp. & Asst. Bldg Insp.

-RE: Email Correspondence regarding RC Multi-Jurisdictional Natural Hazard Mitigation Plan – Progress Report – Referred to Building/Fire Inspector for completion.

Senior Citizens – No report.

Recreation – 2021-2022 After School Program – Program cancelled due to the lack of sufficient enrollment.

2021 Interfaith Thanksgiving Service

A planning meeting will be scheduled.

Public Comments - None

Escrow – No change to the Status of Escrow Accounts Report dated 9/28/2021.

Requests for Use of Village Property

-Y. Van Dunk – Ladies Auxiliary – Request for Use of Community Room

Date: Sun., 10/31/2021 / Time: 6:00-9:00PM – Halloween Refreshments for Kids. **Approved by Board**

Ayes: Mayor Tursi, Trustees Tarantino & O'Brien

Noes: None

-Kevin Clark, Jr. – Request for Use of Hillburn Youth Center

Dates: Saturdays, 1/8, 3/5, 6/26 and Sunday, 9/17/2022 – 3:00PM – Purpose: Pro Wrestling TV Taping

Approved by Village Board: Fee: \$150 Per Event, Insurance Required: Coverage Limit of Liability: \$1,000,000.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Action Form

RE: 31 Rockland Avenue – Tree Root from Village-owned tree is lifting the sidewalk on private property. Root requires removal to level sidewalk. Is a permit needed? Matter to be referred to the Village Attorney.

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

-Brook Church – Flier – Halloween Party Scavenger Hunt – 10/25/2021.

-RC Board of Elections - 11/2/2021 General Election – Access to Community Room on Election Day and Voting Machine and Ballot Marking Device delivery/pick. (Forwarded to DPW Supt.)

-ReadyRefresh – 9/27/202 Notice (Rec’d 10/12/2021)

-Increase of price of cups to \$1.00, effective 9/27/2021.

-NYS Dept. of Public Service – Request to complete online survey – RE: Internet Access.

Berard & Assoc. - Invoice #5031 – Professional Services Rendered - Audit for FYE 5/31/2021: \$24,400.00 Approved by Village Board.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

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

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Upcoming Village Board Meetings: Tuesdays - 10/26/2021 & 11/16/2021 - 7:00PM

MOTION was made by Trustee Tarantino and seconded by Trustee O’Blenis to adjourn the meeting at 8:55PM.

Ayes: Mayor Tursi, Trustees Tarantino & O’Blenis

Noes: None

Attachment to 10/12/2021 Village Board Meeting Minutes

7:30PM – Continuation of 9/14/2021 Public Hearing – Introductory Local Law No. 5 of 2021 –

A local law amending Chapter 250 of the Code of the Village of Hillburn

(Adjourned on 9/14/2021 to allow time for receipt of GML Review from the RC Dept. of Planning)

Public Hearing Comments (recording available)

Dwaine Perry (16 Boulder Avenue) requested an explanation of the amendments.

-Mayor Tursi stated that a copy of the introductory local law has been posted on the Village of Hillburn's website, as well as being available at the Village Office for review.

Alexandra Bowens (125 Sixth Street) questioned why the code was being amended to include schools.

-Attorney Rice stated that since the 1950's, NYS Case Law has been clear that both religious and educational uses by their nature are considered to be in the overall public welfare. As a result, the case law clearly says that schools cannot be excluded from a municipality and that a place has to be made for them at some location. Attorney Rice cited a Court of Appeals case that says you cannot have a blanket prohibition of schools in a municipality, but instead make schools a Special Permit use whereby any potential adverse impacts could be weighed against the presumptive beneficial effect on the community. By going through a Special Permit process, it can be determined if there are deleterious impacts that cannot be mitigated that warrant denial of the application, otherwise conditions could be imposed to accommodate a school and ensure that it does not disturb the neighborhood.

Rogers Garey (17 Hickory Avenue) questioned if the regulation regarding is open-ended.

-Mayor Tursi stated that there is not a lot of property available.

-Attorney Rice stated that the law is restrictive in that schools are only permitted in the LS and GC zones.

Patricia Osterhoudt (159 Sixth Street) confirmed that to be approved for a house of worship, 75% of the congregation must reside in the Village

Attorney Rice confirmed the provision.

-Alexandra Bowens stated that the language of the provision defines what type of schools would be allowed as students travel to attend school.

Mayor Tursi stated that the provision is for houses of worship. The Jewish community walks to their houses of worship.

-Ms. Bowens stated that the same question applies, as many congregants of various persuasions travel to their houses of worship and this provision seems to benefit one religion.

Mayor Tursi read aloud the portion of Introductory Local Law No. 5 that defines Place of Worship/Neighborhood:

PLACE OF WORSHIP, NEIGHBORHOOD - A portion of a one-family detached residence used exclusively for the conduct of organized religious services. No school or outside catering is permitted. At least 75% of the membership must live within a three-quarter (3/4) mile radius of the neighborhood place of worship. The bulk requirements shall be the use group for the one-family detached residence in which the neighborhood place of worship is located. No more than one neighborhood place of worship per parcel shall be permitted.

Delores Hunter (Fox Hollow Road) questioned this particular provision was adopted.

Attorney Rice stated that there is numerous case law which