

Sloatsburg Village Board

Regular Meeting – August 12, 2014

The Regular Meeting of the Village Board of Trustees was called to order at 7:30 PM by the Honorable Carl S. Wright, Mayor in the Conference Room of the Sloatsburg Municipal Building, 96 Orange Turnpike, Sloatsburg, New York.

Trustees Present- Peter Akey
John Bonkoski
Daniel O’Leary

Trustee Absent- Thomas T. Buckley, Jr.

Deputy Village Clerk & Treasurer – Marianne Dolan – Present

Village Attorney – Richard Ellsworth – Present

Village Engineer – Richard Eichenlaub – Present

Interested Citizens Attending: Ajay and Aixa Watts, Martin and Elaine Hirsch, Jay and Hedy Fink, Lou Saviano, John Saviano, Dominick and Lynn Del Duca, Kelly Del Duca, Mike Dolan, Tina Scarlett, Michael and Daphne Downes

Pledge to Flag

Minutes

- a. Regular Meeting July 8, 2014 – No action taken at this time
- b. Regular Meeting July 22, 2014

On a motion by Trustee Akey, seconded by Trustee O’Leary to accept the minutes of the regular meeting of 7/22/14. All in favor, motion carried.

Resolution #14-070 Refund – Village Taxes – Overpayment

Trustee Akey offered the following resolution and moved its adoption:

WHEREAS, the Village is in receipt of taxes in the amount of \$267,850.14 received from Corelogic Real Estate Tax Services covering the second installment of the 2014 taxes, and

WHEREAS, included in said amount a total of \$2,394.46 was received representing duplicate payments on the following parcels: Bill #911 (O’Leary, Kenneth), Bill #901 (Ryan Jr., John) and Bill #025 (Hamner, Marie T).

NOW, THEREFORE, BE IT RESOLVED that the Village Clerk & Treasurer refund \$2,394.46 to Corelogic Tax Service.

The foregoing was seconded by Trustee O’Leary and was duly adopted by unanimous vote.

Resolution #14-071 Refund – Village Taxes – Overpayment

Trustee Akey offered the following resolution and moved its adoption:

WHEREAS, the Village received tax payments in the amount of \$19,002.51 from Lereta Tax Service covering the second installment of the 2014 taxes, and

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WHEREAS, included in said amount a total of \$1,892.55 was received representing a duplicate payment on Bill #537, Barbara Berntsen, 71 Eagle Valley Road.

NOW, THEREFORE, BE IT RESOLVED that the Village Clerk & Treasurer refund \$1,892.55 to Lereta Tax Service.

The foregoing was seconded by Trustee O'Leary and was duly adopted by unanimous vote.

Resolution #14-072 Acceptance of Building Inspector's Report
July 2014

Trustee Akey offered the following resolution and moved its adoption:

RESOLVED that the Board of Trustees accept the Building Inspector's Report for the month of July, 2014 in the amount of \$935.00.

The foregoing was seconded by Trustee O'Leary and was duly adopted by unanimous vote.

Fire Department Grant of \$70,000 for Communication Equipment

Mayor Wright commented on the interest and dedication of Assistant Chief Matthew Stritmater who wrote the grant to upgrade communications equipment.

John Saviano – All State 2nd Team & Rockland Player of the Year

Mayor Wright welcomed John Saviano and congratulated him on his accomplishments.

Elizabeth Pecoraro reading the winning Chamber of Commerce Essay
"What Sloatsburg Means to Me"

Miss Pecoraro read her essay to the Board.

Note for the record: a copy of Elizabeth Pecoraro's essay "Why Sloatsburg is a Special Place to Live" is attached hereto and made a part of these minutes.

Past Events

- a. Saturday, August 2nd, Sisters Servants of Mary Immaculate – Divine Liturgy of Thanksgiving
Sister Bonaventure 80 Years of Religious Life
Sister Albina 70 Years of Religious Life
Sister Tekla 25 Years of Religious Life
- b. Friday, August 8th, Yankee – Indian Game
- c. Saturday, August 9th, Harmony Hall's Flea Market
- d. Saturday, August 9th, and Sunday, August 10th, St. Mary's Annual Pilgrimage

Update on Issues Relating to Hazelwood Road

Richard Eichenlaub commented that, at the Mayor's request, he met with quite a few of the residents of Hazelwood and Dogwood last week for the purpose of reviewing drainage concerns on the roadway. They expressed a number of different concerns, specifically with regard to icing problems during the winter months; and during Spring, Summer and Fall, runoff problems along the roadway and the fact that the gutter lines and the cross slope of the road are so constructed that the water runs from the westerly side across to the easterly side and for the most part

runs down several of the driveways. The major concern is the icing during the winter months. He spent an hour with the residents and took in what they had to say.

They have been living with the situation for years. There is a concern; the roadway is constructed with a cross slope from the west to the east, where normally roadways are crowned to allow the water to drain into both gutter lines. In the instance up in Hazelwood, the water runs to one side. The icing situation is created by that same condition; the water runs across the roadway instead of down a gutter line. During the winter months, the pavement being below freezing and the air temperature being below freezing, it ices up.

Mr. Eichenlaub also talked with Mike DeMartino who agrees the situation is of concern during the winter months with regard to the icing. There is some drainage along Hazelwood; it's approximately three hundred feet (300') plus or minus down the roadway in a southerly direction. One of the solutions would be to extend that drainage in a northerly direction towards the top of Hazelwood and intercept the water before it gets out onto the roadway. That is the solution, otherwise he is not sure they would be able to reconstruct the roadway in a situation where you could create even flow to both gutter lines; you would have to lower the westerly gutter line in excess of a foot. You would have to reprofile the roadway in order to do that. The cheapest solution would be to extend the drainage and provide for additional inlets to the northern limits of the roadway itself.

The second issue was on Hillside at the northern terminus of the roadway where the utility roadway comes down and intersects Hillside. It is evident that during heavier rains, a considerable amount of sediment is washed down that dirt road and is deposited on the roadway itself. One of the problems with Hillside is, as Hillside comes up it reaches a high point and then drops off again towards those last two houses on Hillside. There is no drainage at that northerly terminus of the roadway so water comes down, washes the sediment and gravel down into the roadway and ponds until it reaches a certain elevation, at which time it would run over top the asphalt curb and run down those two resident's property. Mr. Eichenlaub commented that it is his understanding that they are having a concern with wash out of the retaining wall that runs between the two homes. That is less evident than the situation that is existing on the roadway now with the sediment and gravel washout and depositing along the roadway. It is the same situation there that is on Hazelwood; there is no drainage. To get the drainage in you have to provide for catch basin and run a drainage line approximately 200 to 250' down to the existing drainage, down slope south of that.

Mayor Wright asked if there are any questions regarding Hazelwood at this time. Trustee Akey asked if water was emanating from any underground springs. Mr. Eichenlaub indicated he has not been up there during a rain period and has not seen it during a rain period. He offered to go up there during a rain period if directed by the Board. He also commented that there is rock, rock outcroppings and steep slopes up there. Those combined accelerate the runoff; you don't get the proper seepage into the ground. It only seeps so far until it reaches the rock, then it follows the rock profile and when it reaches a level area, which Hazelwood is, the roadway itself, it would percolate to the surface because you have hydrostat pressure pushing it up. These pockets of water that percolate up, that the residents feel are underground streams or springs, basically that's what you've got; that would continue to occur and occur after heavy rainfalls, not immediately but over a period of time, possibly even several days. As it flows along the rock profile it reaches that low point and then percolates to the surface. One of the ways to control that would be to run a perc drain along the high side of the roadway and that could be tied into any basins that were installed. One of the concerns is water runoff from driveways and yards. That happens in any situation where you have

properties higher than the roadway itself. They are going to drain towards the roadway and that is why you have the gutter lines.

There is a situation where the end of the road is approximately 70' short of, what is referred to as, right of way. The right of way extends northerly approximately another 70'. There is some area north of the roadway that is not paved, it's not road paved right now, it is driveway, that would be available to install such an under drain. Trustee Akey asked if it is private property. Mr. Eichenlaub indicated that it is not private property according to both the tax map and a survey that he reviewed. It is indicated as the right of way of the Village of Sloatsburg. There is a driveway on that section, it's not roadway. Trustee Akey then asked that if they wanted to rectify this they are only dealing with the Village and no one else. Mr. Eichenlaub agreed that according to what he has seen.

Daphne Downes of Hazelwood Road commented that she thinks it's clear that it is public right of way and not private property. She also clarified that the biggest problem they are having with water runoff is following the rain. There may be some issues with underground springs but the primary issue is water running off of other people's property; coincident with the rain is the biggest problem. Mr. Eichenlaub indicated that is when you get the greatest flows of the gutters. He commented that there was a concern by a number of residents about water after a storm. After the storm is completed is when you get the percolation up through the pavement or adjacent lawn areas. It's not able to percolate down because the soil is not that deep.

Jay Fink asked if it is possible to put a drainage ditch at the top of Hazelwood above his house to catch a lot of the water before it goes down the road. Mr. Eichenlaub commented that is a possible solution and there are a number of different solutions on how to intercept that water. In addition to that, you have to get that water from that structure down Hazelwood some 250 to 300'. Mr. Fink said they are digging a ditch on one side of the road now. Mr. Eichenlaub indicated that has nothing to do with the drainage and they would not be able to tie into that. Mr. Fink asked if it would be possible to put a drainage line in the roadway. Mr. Eichenlaub commented that it is not possible while that is open. You cannot get two different contractors up there to do that type of work simultaneously; one, there is not enough room and you are going to have a conflict with the contractor who has the contract now to install the sewers. Any drainage would have to be done after the sanitary sewers are in. Mr. Fink commented they can't do the work to be done. Mr. Eichenlaub commented that they have looked into that on a number of different roads in the Village and at this time it was not feasible and logistics were not right to get them involved and go under contract with them. Mr. DeMartino has a number of different roads in the Village with drainage concerns and they have looked into that. If the contractor that is putting the sewers in damages the existing drainage he is required to replace it, so ideally the thing to do is, if he were to damage any existing drainage up there, he would have to replace it.

Mayor Wright asked for any further questions. Tina Scarlett asked what the estimated time frame is for this to be put to bid and get it in. Mayor Wright asked what are the various solutions that you can propose? Mr. Eichenlaub indicated that the road is in a state of disrepair now due to the blasting up there. The contractor will have to replace the entire roadway from curb to curb. That being said, if you are going to install drainage you want to get it in before they reconstruct that roadway. There are several large heaved areas due to the blasting that have to be cut down. They are not going to come in and resurface or repave that and rebuild that roadway for several months because it will just settle out. Mr. Eichenlaub also commented that, Mike DeMartino has brought to everyone's attention that a number of the roads have settled out and there is settlement of the pavement along the trenching. Ideally you'd want to get it done once the Montana contractors are out of there and prior to them resurfacing it. They are going to have to cut that

roadway down where it is heaved and put a new base in but you don't want them resurfacing it until it has had a period of time to settle out and reconsolidate itself. Trustee Akey commented that timing is going to be a key factor because if they are held by a contract by the Sewer District and the Village wants them to wait, are they going to be willing to wait? Mr. Eichenlaub indicated that Mike DeMartino has talked to the contractor up there because of the condition of the road. There are sections of it that have been coned off because the heave is so great that you can't take a car over it, so that all has to be cut down. There are a number of curves that have been damaged and they have to be replaced, especially along the westerly side of the road. There is a considerable amount of work that is going to be needed and that the contractor is going to be required to do up along Hazelwood. Trustee Akey recommended that the Village Engineer, all powers to be and Mike DeMartino meet with Montana and settle this before they close up the road. Mr. Eichenlaub commented that ideally you do not want to have to go through another winter that these residents have gone through in the past, with regard to the icing.

Trustee O'Leary commented on the contract time. Mr. Eichenlaub commented that if they resurface the roads, they need time to settle. Mayor Wright asked Mr. Eichenlaub to draft a progress report for the next Board meeting. Mr. Eichenlaub will talk to Mike DeMartino. There was further discussion on the sewer project. Mr. Eichenlaub clarified that he nor the Village have nothing to do with the sanitary sewer installation; it is a County project.

Mr. Hirsch commented that one of the biggest reasons for the icing on Hazelwood Road is because the Department of Public Works pushes all the snow onto his property instead of pushing it onto the turn around. When they plow the snow there is a huge mound of snow on the left side of his property. It gets milder during the day and melts onto the road and ices over. Mr. Hirsch commented that he has not complained because he does not care but the large mounds of snow are one of the reasons for the icing. He has corrected all of the drainage on his property at his expense, so there is no runoff on his property. There was further discussion on snow plowing.

Mr. Eichenlaub commented that on a warm day, the snow melts and runs across. The thing to do is intercept it as fast as possible. This would not be a problem except for the fact there is a cross slope on that roadway and it is not crowned. They will look and the Village will attempt to do their best at remedying that problem. There are several driveways intersecting at the top of Hazelwood and their profiles are already established. For the Village to lower the westerly side of the roadway, those driveways will have to be lowered as well. The residents thanked Mr. Eichenlaub, Mayor Wright and the Board for their time.

Update on Issues Relating to Hillside Road

Mr. Eichenlaub commented that the road profile drops back down at the northerly terminus and does not allow the water runoff to properly drain down Hillside. It basically ponds in front of the last two houses on the right hand side of the road, as the water ponds in that area it overtops the asphalt berm and that runs down in their front yard and driveway and it's that condition that appears to have damaged (he indicated he can't say for sure what caused the damage) the retaining walls. At this point they are not in jeopardy of collapsing but they have been impacted.

Mayor Wright asked the Village Attorney for an update. Mr. Ellsworth indicated he was asked by the Board to look into the undeveloped properties above Hillside. There is a dirt road that continues at the end of Hillside and ends at the utilities above the water tower and the cell tower. The fact that the road is not a dedicated road for the purposes of the Village puts the onus on the property owners above Hillside to maintain it so that it does not damage the properties below

it. Mr. Ellsworth commented that he has spoken to one property owner and has contacted, by mail, ten different owners concerning about eighteen or twenty properties that these people own; sending them a letter to contact him and implying to them that the responsibility for correcting (not so much the runoff, water is going to come down and he is not addressing the pooling either) but the rocks, sediment, debris, dirt and anything else that comes down from that area of that utility road needs to be addressed. He indicated that he hopes that they, or most of them, will contact him to discuss some resolution to help the people at the end of Hillside. If they do not respond satisfactorily, he would ask to discuss the matter in an executive manner with the Board.

Mrs. Watts commented that the water is definitely damaging her driveway and retaining wall and provided pictures to the Board. She commented that she cannot accept that the solution to the problem is in the hands of multiple property owners. After a brief discussion regarding the lack of drainage, Mayor Wright asked the Village Attorney what steps the Village can take. Mr. Ellsworth commented that the question is whether or not the Village is responsible for what the property owners have claimed. The properties at the end of Hillside, like every other one because the street was extended, went through the Planning Board process and presumably drainage and runoff was addressed at that point; and whoever the developer was built it according to those plans. He indicated that he does not know at this point whether the Village is obligated to correct the deficiency or not. He was requested to address the runoff from above and the damages that were coming from above. He will discuss with the engineer and do the research to determine if the Village has an obligation to create drainage. Mayor Wright indicated that they should have more information at the next Board meeting.

Upcoming Events

- a. Saturday, August 16th, Fire Department's Annual Car Show, 9AM-1PM
- b. Saturday, August 16th, Trip to Atlantic City
- c. Wednesday, September 3rd, School Reopens
- d. Friday, September 5th, Rockland County Volunteer Fireman's Association Convention
- e. Saturday, September 6th, Rockland County Volunteer Fireman's Association Parade
- f. Sunday, September 8th, Harmony Hall's Bluegrass Festival
- g. Thursday, September 11th, 13th Annual 9/11 Ceremony, 7 PM, Community Fields

Adjourn in remembrance of Francis "Dick" Parker – WWII Veteran, Naval Reserve Officer, 60 Year Member Sloatsburg Fire Department, Fire Chief 1971-1973, Community Activist, American Patriot

Mayor Wright remembered Mr. Parker and asked for any other comments or questions, none received.

On a motion by Trustee O'Leary, seconded by Trustee Akey to recess the regular meeting and move to executive session at 8:25 PM. All in favor, motion carried.

On a motion by Trustee O'Leary, seconded by Trustee Akey to come out of executive session and reconvene the regular meeting at 8:45 PM. All in favor, motion carried.

On a motion by Trustee O'Leary, seconded by Trustee Akey to declare the emergency removal of the retaining wall in front of 11 Hillside Road. All in favor, motion carried.

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On a motion by Trustee O'Leary, seconded by Trustee Akey, to accept the \$20,900 proposal from Montana for the scope of the work and the exclusions, on the basis of the declaration of emergency for the removal of the retaining wall in front of 11 Hillside Road. All in favor, motion carried.

At this time, Mr. Ellsworth commented on the following resolution:

Resolution #14-069 – Woodmont Article 78

Trustee Bonkoski offered the following resolution and moved its adoption:

WHEREAS, Woodmont Properties, LLC has sought Planning Board approval from the Town of Ramapo for a site plan and subdivision for a residential development on Route 17, adjacent to the Village of Sloatsburg in the unincorporated Town of Ramapo, and

WHEREAS, the Village Board of Trustees has voiced its opposition to the proposed site plan and subdivision for, among other things, inadequate fire protection for three story buildings in the development, and

WHEREAS, a review of the minutes of this Board of its regular meeting held on June 24, 2014 does not reveal a motion to adopt a resolution authorizing the Village Attorney to commence an Article 78 proceeding to challenge the anticipated approval of the site plan and sub-division, and

WHEREAS, a poll of the Mayor and the Trustees in attendance on June 24, 2014 reveals that Trustee Bonkoski offered the resolution for adoption and that Trustee O'Leary seconded the motion and that Trustee Buckley abstained from the vote,

NOW THEREFORE, BE IT RESOLVED, that the minutes of the June 24, 2014 meeting of the Board of Trustees are amended to reflect that the Village Attorney is authorized to commence an Article 78 proceeding as aforesaid, and

IT IS FURTHER RESOLVED that the Village Attorney was in fact authorized on June 24, 2014 to commence and file an Article 78 proceeding in Supreme Court of the State of New York challenging the Town of Ramapo Planning Board's approvals of the site plan and sub-division applications of Woodmont Properties for a development on Route 17 in the unincorporated Town of Ramapo,

The foregoing was seconded by Trustee O'Leary and was duly adopted by Trustee Bonkoski, O'Leary and Mayor Wright, with Trustee Akey abstaining.

Adjourn

On a motion by Trustee O'Leary, seconded by Trustee Akey to adjourn in memory of Francis "Dick" Parker. All in favor, motion carried.

Respectfully submitted,

Marianne Dolan
Deputy Village Clerk & Treasurer

MD:ds