

**Sloatsburg Village Board**

**Regular Meeting – September 9, 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  
Thomas T. Buckley, Jr.  
Daniel O’Leary

Village Clerk & Treasurer – Thomas F. Bollatto, Jr. – Present

Village Attorney – Richard Ellsworth – Present

Village Engineer – Richard Eichenlaub - Present

Interested Citizens Attending: John Kwasnicki, Laurie Smyla, Marianne Carroll, Ajay Watts, Lynn Del Duca, Karen Hansen, Tina Scarlett, David Pererya

Pledge to Flag – Trustee O’Leary

Minutes

- a. Regular Meeting 7/8/14  
*On a motion by Trustee O’Leary, seconded by Trustee Buckley to accept the minutes of the regular meeting of 7/8/14. All in favor, motion carried.*
- b. Regular Meeting 8/12/14  
*On a motion by Trustee O’Leary, seconded by Trustee Bonkoski to accept the minutes of the regular meeting of 8/12/14. All in favor, motion carried. Trustee Buckley abstained.*
- c. Regular Meeting 8/26/14  
*On a motion by Trustee Akey, seconded by Trustee O’Leary to accept the minutes of the regular meeting of 8/26/14. All in favor, motion carried. Trustee Bonkoski abstained.*

Resolution #14-086 Grant Signatory Authorization

Trustee Bonkoski offered the following resolution and moved its adoption:

WHEREAS, the Village of Sloatsburg, from time to time, applies for and receives improvement grants from federal and state agencies, and

WHEREAS, the Dormitory Authority of the State of New York (DASNY) administers a grant program entitled State and Municipal Facilities Capital Program (SAM), and

WHEREAS, The Village of Sloatsburg received a SAM grant for the stone wall restoration on the west side of Route 17 in the amount of \$75,000, and

WHEREAS, in administering and certifying the information for any grant, including DASNY, the granting authority requires authorized signatories from the Village of Sloatsburg, and

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WHEREAS, the Village Clerk, by virtue of his presence at Village Hall and his knowledge of the grant process has the ability to act as a signatory and to certify information necessary to administer grants,

NOW THEREFORE, BE IT RESOLVED, that pursuant to the authority established under Village Law of the State of New York, Village Clerk, Thomas F. Bollatto, Jr., is hereby authorized to be a signatory and to certify information for the administration of the DASNY grant and other grants sought by the Village of Sloatsburg.

The foregoing was seconded by Trustee Akey and was duly adopted by unanimous vote.

Resolution #14-087 Engineering Proposal Retaining Wall Restoration

Trustee Akey offered the following resolution and moved its adoption:

WHEREAS, on August 25, 2014 the Village received from RL Engineering Inc., an engineering proposal for the retaining wall restoration along Route 17 between Colonial Avenue and Eagle Valley Road, and

WHEREAS, under the Dormitory Trust Grant Award, engineering fees associated with this project cannot be covered through the grant, and

WHEREAS, after conversation with a representative of the New York State Department of State, the fee could be covered through the Community Project Appropriation Grant MO5025 furtherance of the Downtown Revitalization Project.

NOW THEREFORE, BE IT RESOLVED, that the Board accept the Engineering Proposal submitted by RL Engineering Inc., for a fee of \$9,980 plus costs.

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

Resolution #14-088 Energy Agreement Electric Usage

Trustee O'Leary offered the following resolution and moved its adoption:

WHEREAS, our current contract with Direct Energy for electric usage is expiring October of 2014, and

WHEREAS, the rate currently charged by Direct Energy is 0.6531 kwh which became effective in November of 2013, and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Village Clerk Treasurer to negotiate a renewal rate which will become effective November 2014

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the Mayor to execute a renewal agreement.

The foregoing was seconded by Trustee Buckley and was duly adopted by unanimous vote.

Resolutions in mass

*On a motion by Trustee O'Leary, seconded by Trustee Buckley to adopt resolutions in mass. All in favor, motion carried.*

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Resolution #14-089 Refund – Village Taxes – Overpayment

Trustee O'Leary offered the following resolution and moved its adoption:

WHEREAS, the Village received a tax payment in the amount of \$790.00 from Matthew Peters covering the second installment of the 2014 taxes on 14 Hickory Road, and

WHEREAS, the correct total taxes due is \$738.26 plus \$36.91 penalty amounting to \$775.17.

NOW, THEREFORE, BE IT RESOLVED that the Village Clerk & Treasurer refund to Matthew Peters \$14.83.

The foregoing was seconded by Trustee Buckley and was duly adopted by unanimous vote.

Resolution #14-090 Agreement O&R Municipal Lighting Portal

Trustee O'Leary offered the following resolution and moved its adoption:

WHEREAS, Orange & Rockland Utilities Inc., has established a Municipal Street Light Portal, and

WHEREAS, this portal will allow the Village to report problems with street lights such as light outages or other issues, and

WHEREAS, in order to access the Municipal Street Light Portal, it is necessary to enter into a Security Agreement with Orange & Rockland Utilities Inc., and

WHEREAS, the Village has registered in the portal, but cannot access the portal until the Security Agreement is signed and sent back.

NOW, THEREFORE, BE IT RESOLVED that the Village Clerk/Treasurer be authorized on behalf of the Village to execute the Street Light Portal Security Agreement with Orange & Rockland Utilities, Inc.

The foregoing was seconded by Trustee Buckley and was duly adopted by unanimous vote.

Resolution #14-091 Acceptance of Building Inspector's Report  
August 2014

Trustee O'Leary offered the following resolution and moved its adoption:

RESOLVED that the Board of Trustees accept the Building Inspector's Report for the month of August, 2014 in the amount of \$3,703.75

The foregoing was seconded by Trustee Buckley and was duly adopted by unanimous vote.

Resolution #14-092 Limited Community Shelter Sloatsburg Public Library

Trustee O'Leary offered the following resolution and moved its adoption:

WHEREAS, the Sloatsburg Public Library has been in discussion with the Rockland County Office of Emergency Services for the Library to become a community shelter, limited with no overnight. Additionally the Red Cross will be available if necessary, and

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WHEREAS, we have inquired with our insurance agent as to whether the community shelter would be covered under our insurance policy, and

WHEREAS, we were advised that coverage would be afforded at no additional cost.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees support the establishment of a Community Shelter, limited, with no overnight to be located at the Sloatsburg Public Library.

The foregoing was seconded by Trustee Buckley and was duly adopted by unanimous vote.

#### Presentation on the Proposal to Build a YMCA in the Sloatsburg/Tuxedo Area

Mayor Wright commented that he invited the representatives to present their proposal but they were not in attendance.

#### Report on United Water's Project to lay new pipe from Post Road to the apartment complex in the Town of Tuxedo, start September 15<sup>th</sup>, complete by November 15<sup>th</sup>

Trustee Buckley reported that they are going to go from Post Road to the Orange County line. They are going to replace the water line from the 1920's/30's with a new plastic line.

#### Report on the Closing of the Swimming Pool

Trustee Akey reported that the pool is closed for the season and they are waiting on a bid from American Pool to do the actual closing.

#### Update on Progress of Sewers

Mayor Wright commented that they hope to be finished by mid-November.

#### Update on Stables

Mr. Ellsworth indicated that Mr. Bollatto has been communicating with the bond company but that has to be discussed in an executive session.

#### Congratulations to Samantha Uline on being recognized as one of the Elite Volley Ball Players in Rockland

#### Past Events

- a. Friday, September 5<sup>th</sup>, Rockland County Volunteer Fireman's Association Convention
- b. Saturday, September 6<sup>th</sup>, Rockland County Volunteer Fireman's Association Parade
- c. Sunday, September 7<sup>th</sup>, Harmony Hall's Bluegrass Festival

#### Upcoming Events

- a. Thursday, September 11<sup>th</sup>, 13<sup>th</sup> Annual 9/11 Ceremony, 7PM, Community Fields
- b. Friday, October 2<sup>nd</sup>, 85<sup>th</sup> Anniversary of the Vote on Incorporation, October 7<sup>th</sup>, State of New York issues Village Status
- c. Saturday, October 4<sup>th</sup>, Kids Duathlon, Pre K – Grade 5, check-in time 9 AM, start time 9:30 AM, Community Fields, rain date Sunday, October 5<sup>th</sup>

- d. Thursday, October 9<sup>th</sup>, Poster Painting, Sloatsburg Elementary School

Other

Mayor Wright invited residents to address the Village Board. Karen Hansen commented about concerns with the bus stop location in Pine Grove due to the amount of activity with the sewer construction. They spoke to the District and they are reviewing the situation. She also commented on a catch basin that was removed. Trustee O'Leary commented that they are required to replace it. Trustee Akey suggested a follow up phone call regarding the bus stop situation.

Lynn DelDuca commented that she believes the contractors are finishing the upper half of Hillside Road. She asked when they would reinstall her mailbox that was taken out when they were working by her house. Trustee O'Leary commented that they are required to reinstall it and they have been very good about doing so. He will contact Mike Saber.

John Kwasnicki asked about the discussion on the lawsuit with Woodmont Properties and suggested it be posted on the website. He indicated the minutes of the Town of Ramapo's Public Hearings are very vague. Mr. Ellsworth recommended that the Board not comment on the lawsuit because of pending litigation.

Update on Issues Relating to Hillside Road

Richard Eichenlaub indicated that he was at the Board meeting about a month ago where they discussed drainage concerns on Hillside and Hazelwood. He met with the two residents at the end of Hillside who are directly impacted by the drainage concerns at the end of that road. The majority of the drainage problem is due to runoff from the paper street extension of Hillside and the amount of wash out, gravel and sediment that washes down from that paper street to the end of the improved section of Hillside. There is so much sediment that washes down that it fills up to the top of the curb line and all the water runoff that comes off of that slope falls on the pavement and washes down the resident's driveway. The end of Hillside is low and as you approach the end of Hillside you are coming over a crest and there is nowhere for that water to go. It fills up in the pavement area and then runs down the driveway. The way to correct it would be several inlets because of the steepness of slope and minimize cut to get a drain in there would require approximately 180 linear feet of pipe and a minimum of three catch basins. To get these in there would be some disturbance of what are now asphalt curbs. Restoration of the property in which the pipe would be laid and that would be tied into an existing structure at the low point. That structure would also have to be adjusted to accept the new pipe. Without a plan, simply based on field measurements, those subject improvements would run approximately \$23,000. The recommended pipe to be installed would be 15" pipe.

Mayor Wright asked for any comments. Trustee Akey reconfirmed that the water is coming from above the Hillside properties from the unimproved roadway. Mr. Eichenlaub also confirmed that all the lots up there are owned by other people and not the Village. Mayor Wright asked Mr. Ellsworth if any of the owners responded to his letter. Mr. Ellsworth indicated there has not been any response. He also reached out to the Ramapo Police Department.

David Pererya asked about the issues on Hillside. Mr. Eichenlaub, the Village Engineer, clarified that the Village does not own the Hillside extension and will not take responsibility for it. There was further discussion on the Sewer District project. Mr. Ellsworth, the Village Attorney, clarified that the Sewer Authority is installing the sewers under a contract and after they install the sewers they will repave the road with the Sewer District money, not Village money. Mr.

Ellsworth then commented on the second issue of the water running down Hillside. He explained that there is no obligation on the Village to improve a drainage system; the obligation of the Village is to maintain existing drainage systems on those roadways. The drainage system is designed on roadways when the Planning Board approves it for the development of each house.

Mr. Watts asked if the water runoff is not the Village's problem when it runs through their driveway, then what Village is he living in. Mayor Wright commented that they have worked diligently trying to resolve the issue and suggested they stick to the engineering aspects so they can resolve it. Mr. Watts then commented that he has a wall that's going to come down because water is coming into the property. Mr. Ellsworth responded that the Village does not improve or maintain private property. Mr. Watts commented that the wall was approved when it was built. Mr. Ellsworth then responded that the Zoning Board or Planning Board and Building Inspector at that time cannot bind or create any liability on a future board. If it was a reasonable plan and it was approved and over time more water came down it does not create an obligation for the Village to go on someone's private property. Mr. Watts then asked what his recourse is as a Village resident. Mr. Ellsworth commented that he has civil recourses with respect to adjoining property owners or the ability to change the water flow on his own property as examples. After further discussion, Mayor Wright commented that they have to act within the law and the Village of Sloatsburg cannot spend money on private property unless directed by a judge.

#### Update on Issues Relating to Hazelwood Road

Mr. Eichenlaub commented that he physically measured the runs of pipe that would be necessary. Hazelwood has drainage on it towards the lower end towards Laurel Road. He met with the Superintendent of DPW and talked with the contractor. When they removed one of the pipes crossing Hazelwood that they damaged, the entire bottom of the pipe corroded out. As the water was running through that pipe it was scouring and dragging soil with it. Mike DeMartino cleaned the basins at the end of Hazelwood several times due to buildup of sediment. The pipe from the basin at Dogwood down to the intersection of Laurel appears to be damaged as well. The new pipe would be necessary to provide the drainage measures approximately 340' in length; it would include four to five basins and the possibility of one manhole. The reason why that is the case on Hazelwood is because of an optic fiber line that crisscrosses Hazelwood, gas and water that occupy the right hand side going up Hazelwood and the sanitary line on the left side and then jumping to the center line roadway past Dogwood. It is very tight up there. The mark outs of utilities are lost due to the blasting and the removal of pavement. To level off the roadway, you would have to have them marked up. There appears to be enough room to squeeze a line in and that is why you would need a manhole. This would also include a drain at the upper end which is referred to as a curtain drain. This would pick up the ground water that bleeds out and creates an icing situation in the winter. That would be about 20' in length. Pipe, basins, possibility of one manhole, some curb replacement and restoration would come to about \$42,000. That would take them down to the existing drainage at the intersection of Dogwood and Hazelwood. If they have to replace the existing line that runs down the left/east side of Hazelwood that would be approximately another 185' of pipe and the restoration of two basins and would be another \$15,000. The grand total would be about \$58,000 for Hazelwood.

Mayor Wright asked the Board for any comments or questions. Trustee Akey asked if any of the cost could be absorbed by the Sewer District. Mr. Eichenlaub indicated they have replaced the lines they damaged with PVC pipe. They damaged the basin at the intersection of Hazelwood and Laurel. They removed the grate and frame and that is sitting at the side of the road. Mike DeMartino has had conversation with them and they are supposed to replace that. That basin may

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have to be partially rebuilt at their expense because they damaged it. Right now it appears that it is filled with gravel instead of a steel plate covering it.

Mrs. Scarlett discussed the issue of her neighbor, Mr. Hirsch, preventing the Sewer District from installing the pipeline in the 75' right of way/easement. There was further discussion regarding the ownership of that 75' and what is allowed. Mr. Ellsworth commented that he will research the matter.

Mayor Wright asked for any further comments or questions about the drainage. He asked Mr. Eichenlaub about the time frame. Mr. Eichenlaub indicated he will provide a proposal and prepare the specs. Trustee Buckley asked if it is possible to get it in before they pave it. Mr. Eichenlaub commented that if the sewer contractor is out of there then both projects could probably be done in about 1 ½ months; it would take it into December. The following motion was made:

*On a motion by Trustee Akey, seconded by Trustee Buckley to have the Village Engineer submit an engineering proposal for Hazelwood Road and Hillside Road and for the Village Clerk Treasurer to seek the necessary bonding to undertake the improvements.*

*On a roll call vote:*

|                         |            |
|-------------------------|------------|
| <i>Trustee Akey</i>     | <i>Aye</i> |
| <i>Trustee O'Leary</i>  | <i>Aye</i> |
| <i>Trustee Buckley</i>  | <i>Aye</i> |
| <i>Trustee Bonkoski</i> | <i>Aye</i> |
| <i>Mayor Wright</i>     | <i>Aye</i> |

*Motion carried.*

#### Executive Session to Discuss Potential Litigation and Personnel Matters

*On a motion by Trustee Bonkoski, seconded by Trustee Akey to adjourn to executive session at 8:50 PM. All in favor, motion carried.*

*On a motion by Trustee Akey, seconded by Trustee O'Leary to come out of executive session at 9:30 PM and reconvene the regular meeting. All in favor, motion carried.*

#### Adjourn

*On a motion by Trustee O'Leary, seconded by Trustee Akey to adjourn the regular meeting at 9:35 PM. All in favor, motion carried.*

Respectfully submitted,

Thomas F. Bollatto, Jr.  
Village Clerk & Treasurer

TFB:ds