

MINUTES OF THE BOARD OF TRUSTEES
VILLAGE OF CHESTNUT RIDGE
JANUARY 19, 2017

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on January 19, 2017 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

PRESENT:

ROSARIO PRESTI, JR. - **MAYOR**

JOAN BROCK - **DEPUTY MAYOR**

HOWARD COHEN - **TRUSTEE**

RICHARD MILLER - **TRUSTEE**

GRANT VALENTINE - **TRUSTEE**

WALTER SEVASTIAN - **VILLAGE ATTORNEY**

FLORENCE A. MANDEL - **RECORDING SECRETARY**

1. Pledge of Allegiance.

2. Mayor's report.

- Mayor welcomed everyone and thanked them for coming out.
- Met on Sunday at American Coffee Roasters.
- Had moved Sunday with the Mayor to the eighth because the first was New Year's Day; usually it is the first Sunday of the month, but check on the web-site.
- There was concern as to what was going on at the sandpaper factory.
- Our Code Enforcement Officer was dispatched and they are working on continued compliance.
- They had to meet with Planning to find out what was originally allowed.
- It is a work in progress; but it's on their radar and they are following up.
- There has been activity at the Edmund Gould site.
- Apparently they are operating as a school there; it was a school way back.
- They are basically going in without the process of updating site plans or updating their COs, and permits and things of that nature.
- We will be speaking of that further at the Executive session regarding the potential remedies for the Village.
- The procedures that need to be followed will be followed.
- Again the remedy the Village would be pursuing in the event compliance is not swift.

3. Open Floor: Public discussion of Agenda Items Only.

Hilda Kogut – 20 Pine Knoll Ct., Chestnut Ridge, New York 10977:

- Spoke of dog running around loose.
- The Town of Ramapo came by and put out a crate.
- Asked if the Town of Ramapo needs to be reimbursed for their services.
- They have been great; they came more than once.

Mayor Presti:

- Stated since we don't have our own Dog Control official, what we do is we report it to the Town of Ramapo.
- We basically contract their services.
- This is what they charge us when they come and they haven't raised their rates; \$45.00 per hour.

Motion to Close the Open Floor Public Discussion

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and **voted 5-0** to **adopt** the minutes of **December 15, 2016**

4. Approval of Minutes of Previous Meeting, December 15, 2016.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **5-0** to **approve the minutes of December 15, 2016.**

5. Public Hearing (8:00pm) – Community Development Block Grant.

Walter Sevastian – Village Attorney:

- We are members of the Consortium even though we don't have any projects; we are required to have a Notice of a Public Hearing.

Mayor Presti:

- Explained this is if you are applying for any Community Block Grants
- We don't really qualify income wise; as far as economic wise.

Trustee Cohen:

- We have this walk, curb cuts, and handicapped bathrooms.
- That's the only thing we can take advantage of.
- They're more interested in doing things for people in need.

Mayor Presti:

- Usually public housing; things of that nature.
- We usually don't fit the bill as far as socio-economic spectrum that they are looking to cater to.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **5-0** to **approve the Community Development Block Grant.**

6. Resolution No. 2017-1

RESOLVED that the contract with the town of Ramapo for Dog Control services for the period of January 1, 2017 through December 31, 2017 at a rate of \$45.00 per hour is hereby approved, and be it further

RESOLVED, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

MOTION: Trustee Miller

SECOND: Trustee Valentine

The Board was polled and voted **5-0** to adopt **Resolution No. 2017-1.**

Resolution No. 2017-2 authorizing a contract for Fueling services with the Town of Ramapo.

RESOLVED that the contract with the town of Ramapo for fueling services at a cost exempt of taxes for the period of January 1, 2017 through December 31, 2017 is hereby approved, and be it further

RESOLVED, that the Mayor is hereby authorized to execute said contract and take all actions necessary to implement this resolution.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted 5-0 to go approved Resolution No. 2017-2.

7. Resolution No. 2017-3:

RESOLVED that the Village Clerk is authorized to transmit the 2017 meeting dates for the Village Board, Planning Board, Zoning Board, CDRC, and Architectural Review Board to the Rockland Journal News for publication.

MOTION: Trustee Cohen

SECOND: Trustee Valentine

The Board was polled and voted 5-0 to adopt Resolution No. 2017-3.

8. Resolution No. 2017-4:

RESOLVED that the vestibule at Village Hall and the Village Meeting Room are the official location for posting notices for the Village of Chestnut Ridge.

MOTION: Trustee Miller

SECOND: Deputy Mayor Brock

The Board was polled and voted 5-0 to approve Resolution No. 2017-4.

9. Resolution No. 2017-5:

RESOLVED, that the following persons are hereby appointed as Inspectors for the General Village Election to be held on March 21, 2017:

- | | |
|---------------------------|-------------------|
| 1. Alan Rubin Chairperson | 2. Yvonne Capponi |
| 3. Etta Elaine Taylor | 4. Louise Jenkins |
| 5. Susan Gordon | 6. Regina McClure |
| 7. Marion Clifford | |

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted 5-0 to approve Resolution No. 2017-5.

10. Resolution No. 2017-6 approving Abstract of Audited Claims.

RESOLVED, that General Fund Claims set forth on pages 1 through 5 in the aggregate amount of \$153,157.04 as set forth on Abstract No. 2017-1 dated January 19, 2017, as submitted by the Village Treasurer, are hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to Approve Resolution No. 2017-6 Abstract of Audited Claims.

11. Resolution No. 2017-7 – Adopted after an Executive Session:

WHEREAS, the Village Attorney has advised the Village Board that a private school use has been established at the premises known as 681 Chestnut Ridge Road (the former “Edwin Gould property”) (the property owner’s attorney verified this in a letter to the Village Attorney); and

WHEREAS, the Village Attorney has advised that additional uses may have been established at other buildings located on the premises, and that the property owner has, through its representatives, denied full access to the site and the Building Department; and

WHEREAS, the Village Attorney has advised that no application to the Building Department for approval of the private school use at the premises has been made by the owner or occupant of the premises as required under the Village Code;

THEREFORE BE IT RESOLVED that the Village Board of Trustees authorizes the Village Attorney to commence an action in State Supreme Court to compel the property owner and/or occupant of the premises to comply with the requirements of the Village Code to obtain municipal approval of the use of the premises located at 681 Chestnut Ridge Road, including a request for injunctive relief to prevent any use of the premises before the municipal approvals are in place.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to approve Resolution No. 2017-7.

12. Open Floor: Public Discussion.

Bruce Goldstein – 2 Weiss Terrace, Chestnut Ridge, New York 10977:

- Thanked the Board for their continuing effort regarding 640 Chestnut Ridge Rd.

- Stated on the way to the Board meeting there were two commercial trucks in the driveway.
- During the week, Mr. Goldstein saw a refrigerator going in the front door.
- The kitchen is by the back door.

Mayor Presti:

- Stated we will relay that to our Code Enforcement official and he will add that to his list to follow up.

Hilda Kogut – 20 Pine Knoll Ct., Chestnut Ridge, New York 10977:

- Spoke regarding the issues of 681 the Gould Property and 750 Chestnut Ridge Rd.
- Both of these places still have violations against them.
- Stated it seems shocking to her that with those violations the 750 site continues to be used as a school on Friday nights with many, many people going in and out.
- It's there, posted, that they shouldn't be in there until the matter is rectified.
- With regard to the Gould property, stated she was still very troubled that there are several bus loads of children going in.
- Gussed the number was 309 relative to kindergarten and sixth grade at this school.
- It's bothersome to her that it sits in Chestnut Ridge and the problem is ongoing and while I'm sure that the Village is doing what it's doing, in trying to find some happy medium here, there is a part of her that says that gate should be locked; because you're putting children and our fire fighters at risk.
- I think down the road a piece when we reconcile and come to terms with both of these entities that there are some stiff fines for what they are doing.
- I understand the judicial process and it's important for us to be careful about what we are doing; we certainly don't want to lose in Court; but we certainly are building quite a case on both of these entities.

Mayor Presti:

- Unfortunately, the Village does not have the ability to pad lock.
- We have the ability to seek Court intervention.
- I assure you that is one of the remedies the Village is in the process of discussing.

David Keller – 5 Lance Ct., Chestnut Ridge, New York 10977:

- Stated he was a big believer on permission before forgiveness.
- Asked if it was possible that the Board could increase the amount of the fines.

Mayor Presti:

- My understanding is though we have certain limitations of what a fine can be, every day is a violation.

- The Gould Academy has already been cited and a violation issued, so the meter is basically running.
- Basically a Judge is the ultimate arbiter in assessing the fines.
- The Village Attorney becomes our mouth piece as far as articulating why the fines should be on the maximum side as opposed to the minimum side.
- Your point is well taken.
- We are looking to follow the route.

Attorney Sevastian – Village Attorney:

- There is a maximum of \$5,000.00.
- There are per date times; so if it went on each day the theory is it can add up rather quickly.
- State law says you can't exceed a certain number.

Mayor Presti:

- We do revisit it.
- Again, if we feel we can adjust, we do, and we have been doing.
- We revisit our fines periodically; between our Village Attorney and our professionals.
- The State statute does limit what the ceiling can be there.

Marc Levine = 14 Lancaster Lane, Chestnut Ridge, New York 10977:

- I noticed from your December minutes that you hired Terri Rice, but you didn't put down at what rate.

Mayor Presti:

- We are still negotiating; it's on an hourly rate.
- Mr. Rice was defending the Village on the insurance rate; as far as the Steve Lawn's litigation.
- The insurance company is no longer footing the bill for that; now it becomes the Village's responsibility as far as legal fees are concerned.
- So before Mr. Rice does anything we are negotiating the rate.
- Once we establish a rate, we will state it again.

Bruce Cohen:

- Questioned on the docket regarding the court, when do we find out when these things are presented?
- Asked if there was a list?

Lise Chanin – Treasurer

- The Village matters are always heard on the same Court night; it would be the second Wednesday of the month, but there is also traffic.
- All the zoning cases are generally heard on that day.

Mayor Presti:

- Court starts 6:00 p.m.

Motion to Close the Open Floor Public Discussion.

- **MOTION:** Trustee Cohen
- **SECOND:** Trustee Miller
- **The Board was polled and voted 5-0 to Close the Open Floor Public Discussion.**

Motion to Adjourn Meeting and go into Executive Session.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 5-0 to Adjourn the Meeting and go into Executive Session.

MEETING ADJOURNED: 8:19 P.M.

Motion to Go Into Executive Session

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 5-0 to Adjourn the Executive Session.

EXECUTIVE SESSION ADJORNED: 9:15 P.M.

Respectfully submitted:

**Florence A. Mandel
Village Clerk**