

**MINUTES OF THE BOARD OF TRUSTEES
VILLAGE OF CHESTNUT RIDGE
APRIL 16, 2015**

The Board of Trustees of the Village of Chestnut Ridge convened in regular session on April 16, 2015 at 8:00 P.M. 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
GRANT VALENTINE	-	TRUSTEE
WALTER R. SEVASTIAN	-	VILLAGE ATTORNEY

FLORENCE A. MANDEL	-	RECORDING SECRETARY
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1. Pledge of Allegiance

2. Mayor's Report:

- **Shredding event to take place Sunday, April 19, 2015 – 10:00 a.m. to 2 p.m.**
- **Trustee Valentine will be a little late.**

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

No one from the public wished to speak.

Close the Open Floor Public Discussion on Agenda Items only.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and **voted 3-0** to **Close the Open Floor Public Discussion on Agenda Items.**

4. Approval of Minutes of Previous Meeting of March 19, 2015

Trustee Cohen abstained. He was absent at the March 19, 2015 Village Board Meeting.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **3-0** to **Approve the Minutes of March 19, 2015.**

5. a. Public Hearing on Tentative Budget for fiscal year June 1, 2015 through May 31, 2015.

No one from the public wished to speak.

Close the Open Floor Public Hearing on the Tentative Budget.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **3-0** to **Close the Public Hearing on the 2015-2016 Budget.**

b. Resolution No. 2015-22 Resolution approving 2015-2016 fiscal year budget for the Village of Chestnut Ridge.

RESOLVED that the proposed Tentative Budget for Fiscal Year June 1, 2015 to May 31, 2016 is hereby approved and the salaries and wages set forth therein are hereby fixed at the amounts shown therein effective June 1, 2015 and be it further

RESOLVED, that the tax rate is hereby set at **\$10.7907 per thousand dollars of assessed valuation.**

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **3-0** **Approve the 2015-2016 Budget.**

6. **Mayor re-appoints Deputy Mayor Brock for a term expiring April 2016.**
7. **Mayor re-appoints Florence A. Mandel, Village Clerk and Registrar of Vital Statistics for a term to expire April of 2017.**

b. Resolution No. 2015-23 approving Mayor's re-appointment.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 3-0 to Approve the Re-appointment of Florence A. Mandel Village Clerk and Registrar of Vital Statistics.

8. **Mayor re-appoints Lise Chanin Village Treasurer and Deputy Registrar of Vital Statistics for a term to expire April of 2017.**

b. Resolution No. 2015-24 approving Mayor's re-appointment.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to re-appoint Lise Chanin at Village Treasurer and Deputy Registrar of Vital Statistics.

9. **a. Mayor re-appoints William Smith, Esq. as Acting Village Justice for a term to expire April 2016.**

b. Resolution No. 2015-25:

RESOLVED that the Mayor's reappointment of William Smith, Esq. as Acting Village Justice for a term to expire April 2016 is hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 4-0 to re-appoint William Smith.

10. **a. Mayor appoints Walter R. Sevastian, Esq. as Village Attorney for a term to expire April 2016, at an annual salary not to exceed \$50,000 (excluding litigation).**

b. Resolution No. 2015-26:

RESOLVED that the Mayor's appointment of Walter R. Sevastian, Esq., as Village Attorney for a term to expire April 2016, at an annual salary not to exceed \$50,000 (excluding litigation), is hereby approved.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **3-0** to appoint **Village Attorney Walter R. Sevastian**.

c. Resolution No. 2015-27:

RESOLVED that **Paul Baum, Esq.** is hereby retained at an hourly rate of **\$130.00 per hour**.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **3-0** to retaining Paul Baum, Esq.

d. Resolution No. 2015-28:

RESOLVED that retain **Joseph P. Villaneueva, Esq.** is hereby retained at an hourly rate of **130.00 per hour**.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **3-0** to retain **Joseph Villaneuva, Esq.**

11. **a. Mayor re-appoints Allan Rubin Chairperson of Planning Board for a term to expire April 2016.**

b. Resolution No. 2015-29:

RESOLVED that the Mayor's re-appointment of **Allan Rubin Chairperson of Planning Board for a term to expire April 2016** is hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **3-0** to approve appointment of **Allan Rubin**.

12. **a. Mayor re-appoints Marc Levine Deputy Chairperson of Planning Board for a term to expire April 2016.**

b. Resolution No. 2015-30:

RESOLVED that the Mayor's re-appointment of **Marc Levine as Deputy Chairperson of Planning Board for a term to expire April 2016** is hereby approved.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **3-0** to approve the re-appointment of **Marc Levine as Deputy Chairperson of the Planning Board**.

13. **a. Mayor re-appoints Jeff Wasserman as a Planning Board member for a term to expire April 2020.**

b. Resolution No. 2015-31:

RESOLVED that the Mayor's re-appointment of Jeff Wasserman Planning Board member for a term to expire April 2020 is hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **3-0** to **approve the re-appointment of Jeff Wasserman as a member of the Planning Board.**

14. **a. Mayor re-appoints Richard Miller Chairperson of Zoning Board of Appeals for a term to expire April 2016.**

b. Resolution No. 2015-32:

RESOLVED that the Mayor's re-appointment of Richard Miller as Chairperson of Zoning Board of Appeals for terms to expire April 2016 and a member April 2020 respectively.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **3-0** to **Approve re-appointment of Richard Miller as Chairperson and member of the Zoning Board of Appeals.**

15. **a. Mayor re-appoints Stephen Liebman as a member and Deputy Chairperson of Zoning Board of Appeals for terms to expire April of 2020 respectively.**

b. Resolution No. 2015-33 approving Mayor's re-appointment.

RESOLVED that the Mayor's re-appointment of Stephen Liebman as a member and Deputy Chairperson of Zoning Board of Appeals for terms to expire April of 2020 and April of 2016 respectively is hereby approved.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and **voted 3-0** to approve the re-appointment of **Stephen Liebman as member and the Deputy Chairperson of the Zoning Board of Appeals.**

16. **a. Mayor appoints Susan Silverman as Zoning Board of Appeals member for a term to expire April 2020.**

b. Resolution No. 2015-34:

RESOLVED that the Mayor's appointment of Susan Silverman as Zoning Board of Appeals member for a term to expire April 2020 is hereby approved.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to approve the appointment of Susan Silverman as member of the Zoning Board of Appeals.

17. **a. Mayor re- appoints Robert Lorenc as member and Chairperson of the Architectural Review Board for term to expire April, 2018 and April 2016 respectively.**

b. Resolution No. 2015-35:

RESOLVED that the Mayor's re-appointment of Robert Lorenc as member and Chairperson of Architectural Review Board for terms to expire April 2018 and April 2016 respectively is hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 3-0 to approve the re-appointment of Robert Lorenc as member and Chairperson of the Zoning Board of Appeals.

18. **a. Mayor appoints Laura Dunlop as Deputy Chairperson of Architectural Review Board for a term to expire April 2016.**

b. Resolution No. 2015-36:

RESOLVED that the Mayor's appointment of Laura Dunlop as Deputy Chairperson of the Architectural Review Board for a term to expire April 2016 is hereby approved.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to approve Laura Dunlop as Deputy Chairperson of Architectural Review Board.

19. **a. Mayor appoints Thomas D. O'Donnell as a member of Architectural Review Board for a term to expire April 2018.**

b. Resolution No. 2015-37:

RESOLVED that the Mayor's appointment of Thomas D. O'Donnell as member

of **Architectural Review Board** for a term to expire **April 2018** is hereby approved.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and **voted 3-0** to approve the appointment of **Thomas D. O 'Donnell** as **member of Architectural Review Board**.

20. Resolution No. 2015-38:

RESOLVED, that Craig Long is hereby designed Village Historian for a term expiring April, 2016.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and **voted 3-0** to appoint **Craig Long** as Village **Historian**.

21. Resolution No. 2015-39: approving contract with **Marvin Nyman, CPA** as **Village Financial Consultant**.

MOTION: Deputy Mayor Brock

SECOND: Trustee Grant

Trustee Cohen abstained – Marvin Nyman is family.

The Board was polled and voted **3-0** to approve **Marvin Nyman, CPA** as **Village Financial Consultant**.

22. Resolution No. 2015-40:

Approving contract with Robert Geneslaw Associates as Village Planning Consultant.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to Contract with **Robert Geneslaw** as **Village Planning Consultant**.

23. Resolution No. 2015-41:

Approving contract with Leonard Jackson Associates as Village Engineering Consultant.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **3-0** to Approve **Leonard Jackson Associates** as **Village Engineering Consultant**.

24. Resolution No. 2015-42:

Approving contract with Spence Engineering as Village Engineering Consultant.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to Approve Contract with Spence Engineering as Village Engineer.

25. Resolution No. 2015-43:

Designating the Rockland Journal News as the Official Village Newspaper.

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to approve the designation of the Rockland Journal News as the Official Village Newspaper.

26. Resolution No. 2015-44:

Designating M&T Bank, Sterling National Bank, J.P. Morgan Chase, and Key Bank as Official Village Depositories.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 3-0 to approve the M&T Bank, Sterling National Bank, J.P. Morgan Chase, and Key Bank as Official Village Depositories.

27. Resolution No. 2015-45 designating locations for official Village Postings.

- 1. Route 45 South at the corner of Old Nyack Turnpike**
- 2. South side of Pine Brook Road at Saddle River Road.**
- 3. North side of Red Schoolhouse Road at Route 45**
- 4. Route 45 North at Summit Avenue**
- 5. Margetts Road at Hungry Hollow Road**
- 6. East side of Pascack Road at Grotke Road**

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted 3-0 to Approve the designation locations.

28. Resolution No. 2015-46:

Authorizing the Mayor to execute the Par Pharmaceutical SWPPP for recording.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **3-0** to execute the **Par Pharmaceutical SWPPP for recording.**

29. a. Continuation of Public Hearing on proposed local law entitled “A Local Law Amending Local Law No. 20 of 1987, the Zoning Law of the Village of Chestnut Ridge, to add ‘Assisted Living Residences’ as a permitted use in the NS Zoning District”.

b. Resolution No. 2015-47 - To adjourn Public Hearing until May 21, 2015 at 8:00 p.m.

Mr. Robert Geneslaw – Planning and Development Consultant – 368 New Hempstead Rd. #320, New City, NY 10956:

- This morning we received the revisions of the environmental documentation.
- The original petition was filed by us.
- The Village Board decided they didn’t want to consider a Zone change that would only accommodate one user.
- If there was an amendment to the code, it should apply to several properties.
- It became a Village sponsored proposed amendment rather than an applicant sponsored proposed amendment.
- I gave you a revised Part I, Part II, and a narrative to accompany it which makes the Village the sponsor.
- The substance is the same, but the orientation is a little different.
- It does not affect any developments of the proposal.
- During the course of the review by the Planning and Village Boards, the primary concerns were about the traffic and parking.
- The applicant, at his own expense, obtained a traffic engineer to prepare a study.
- John Sarna reviewed the traffic study.

Ira M. Emanuel, P.C. – 4 Laurel Road, New City, NY 10956-0629.

- We did have an opportunity to review Mr. Sarna’s memo.
- We understand it.
- There are some details which should be filled in mostly in regard to traffic.
- The things are more relevant to the site plan review which will eventually occur rather than to the zone change.
- It is important that you see this type of facility does not generate a whole lot of traffic.
- Parking is at a ratio of ½ space per bed.
- As you read the traffic study and Mr. Sarna’s review, I think you’ll see that the position is supported by the studies and by the example that we have from the Sunrise Center.
- We ask that you conduct a Public Hearing and then Close the Public Hearing and

reserve decision until your next meeting.

Mayor Presti:

- Mr. Strow, P.E. had mentioned about that little pan handle.
- Is that still in play in the event you need overflow parking?

Robert Geneslaw – Planning Consultant:

- It's available if we need it.
- It's a site plan issue rather than a zoning issue.
- Reserve parking can be done on the grass.
- No point in having asphalt for a few days a year.

Deputy Mayor Brock:

- What about Emergency vehicles?

Robert Geneslaw – Planning Consultant

- Mr. Strow met with the Fire Chief.
- Emergency vehicles can be run along the south side of the building.
- Basically toward the pan handle.
- There could be fire access on both sides; it seems to be feasible.

Trustee Cohen:

Is Sunrise comparable in size?

What about the amount of employees and shift times?

Robert Geneslaw – Planning Consultant:

Sunrise differences are highlighted and discussed in the report.

Sunrise has 4/10's of a space per bed.

For the most part, there is no situation where all of the parking spaces were used.

We have an extra measure, so we are very comfortable.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board voted 4-0 to Adjourn the Public Hearing- until May 21, 2015 at 8:00 p.m.

30. Resolution 2015-48: To award the bid for Village Garbage/Recycling Collection contract for a structured term of up to 5 years in an amount not to exceed \$1,424,156.40.

•**Mayor Presti:** We entertained three bidders with regard to the award of this contract. The Village Attorney and Treasurer had an opportunity to sit down with all three bidders. As a result of the meeting and the information gathered we were able to make a decision to award the lowest responsible bidder which was submitted by Superior Waste & Carting, Inc. in the amount of \$1,424,156.40 excluding the dumping fees for a five year collection contract. The low bidder has tentively agreed

to structure the contract as a two year contract with a three year additional option to extend the same at the price quoted for the five year collection contract.

- The successful bidder was determined to be properly licensed.
- Have sufficient equipment to maintain the current pick-up schedule.
- Has provided adequate references with regard to other entities that he does business with such as the Village of Grandview, The Town of Clarkstown and the East Ramapo School District.
- Has performed his service in a professional and responsible manner.

WHEREAS, the Village of Chestnut Ridge previously advertised for public bid the professional services relating to the collection and disposal of Garbage and Recycling generated within the Village of Chestnut Ridge, and

WHEREAS, there were three (3) responsive bidders, and

WHEREAS, the Village Attorney and Village Treasurer met with each of the bidders to request additional information/clarification of the respective bids submitted by each of the bidders, and

WHEREAS, each of the bidders submitted the additional requested information in a timely fashion, and

WHEREAS, lowest responsible bid for the services was submitted by Superior Waste & Carting, Inc., in the amount of \$1,424,156.40 (excluding dumping fees), for a five (5) year collection contract, and

WHEREAS, the low bidder has tentatively agreed to structure the contract as a two (2) year contract with a three (3) year additional option to extend the same at the price quoted for a five (5) year collection contract.

THEREFORE, BE IT RESOLVED that the Village Attorney is authorized to tender, and the Mayor is authorized to enter into contract with Superior Waste & Carting, Inc., for the collection and disposal of Garbage and Recycling generated within the Village of Chestnut Ridge on the terms and amounts set forth hereinabove.

BE IT FURTHER RESOLVED that the award of the bid referenced herein is specifically conditioned upon the negotiation of a contract reflecting the amounts and terms set forth in this Resolution.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **4-0** to award the contract to **Superior Waster & Carting, Inc.**

31. **Resolution 2015- 49** – to authorize payment in the amount of \$3,700.00 to EZ Electric for emergency electrical repairs.

WHEREAS, emergency electrical repairs became necessary in the Village Hall, and

WHEREAS, EZ Electric was immediately available to perform the emergency work.

THEREFORE, BE IT RESOLVED that the Treasurer is directed to pay the sum of \$3,700.00 to EZ Electric for the emergency repairs made at the Village Hall.

MOTION: Deputy Mayor Brock

SECOND: Trustee Valentine

The Board was polled and voted **4-0** to approve **Resolution No. 2015-49.**

32. Resolution 2015- 50:

WHEREAS, certain expenses were incurred in connection with the 2015 Village election.

RESOLVED, that the sum of \$179.44 is authorized to be paid to personnel who worked at the March 18, 2015 Village

MOTION: Trustee Cohen

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to approve **Resolution No. 2015-50** payment to **Board of Elections** personnel.

33. Resolution 2015-51:

Approving Village of Chestnut Ridge's 2015 Agreement with Cornell Cooperative Extension for EPA Phase 2 Stormwater Regulation education and outreach requirements.

MOTION: Trustee Valentine

SECOND: Deputy Mayor Brock

The Board was polled and voted **4-0** to approve **Agreement with Cornell Cooperative Extension.**

34. Resolution No. 2015-52: approving Abstract of Audited Claims.

RESOLVED, that **General Fund Claims** set forth on pages **1 through 4** in the aggregate amount of **\$146,234.72** as set forth on **Abstract No. 2015-4** dated **April 16, 2015** as submitted by the Village Treasurer, are hereby approved.

Deputy Mayor Brock thanked the Village Treasurer for getting the bills for the street lights reduced.

MOTION: Deputy Mayor Brock

SECOND: Trustee Grant

The Board was polled and voted **4-0** to Approve **the Abstract of Audited Claims**.

Open Floor Public Discussion:

Ricki H. Berger, PC. 254 South Main Street, Ste. 202 – New City, NY 10956:

- Here representing IWS.
- Raised the question was Superior’s lack of residential experience taken into account by the Village when the award to Superior was considered?

Mayor Presti: It was. Superior is new to the business to some degree. They are doing work in a way that their current customers are satisfied with them. It was determined they were a responsible bidder for the purposes of the Village. I don’t think any bidder has ever come in with a plethora of customers under their belt on a regular basis. Interstate is a very large company. They are country wide. People have to start somewhere. We are not first customer for Superior. Based upon the submissions, we were satisfied. We did our due diligence.

Ricki H. Berger, P.C.: There is a five year experience requirement on the terms of your contract. Is that also verified? The information that Superior submitted, seems to suggest that their contract work began in 2011 that gives them less than forty percent experience. By virtue of that they would be non-qualifying.

Mayor Presti: The experience factor was vetted and confirmed at the conference with Village counsel.

Walter Sevastain – Village Attorney: – They’ve been in business for a period of time

Ricki H. Berger, P.C.: They incorporated in July 2009. Just because somebody sets up a business and is incorporated doesn’t necessarily mean they have experience for that period of time.

Walter R. Sevastian – Village Attorney: Duly noted.

Mayor Presti: We verified within the parameters of the law and the bidding laws and they satisfied that requirement.

Ricki H. Berger, P.C.:

At the end of the two year period, will the issue of responsibility be revisited so that we can participate in bidding?

Mayor Presti: I don’t believe that would necessarily come into play. I guess that’s always an option that the Village can have. The successful bidder has basically committed to a five year contract with regard to the numbers that are listed. If for

some reason we feel that they are not providing adequate service that would be a permitted option for us to take in regard to opening up the bids.

Walter Sevastian: I think so. The terms of the contract that was finally negotiated with them would have something in there regarding the exercise of the option to extend the contract. That would involve some type of process: There will be something in place and it is public record so we can make sure you have a copy of it.

Anthony Sharan – Highway Superintendent – 868 Chestnut Ridge Rd., Chestnut Ridge, NY 10977:

- Has the Thruway Department made a decision on when they are going to start work on the Thruway overpass?
- They did the parkway bridge three or four years ago. The Village said not to do them both at the same time. This job has been snowballed or put back.
- Route 45 Project – waiting for Verizon. They have a couple of lines down.
- Infrastructure is going to take awhile.

Mayor Presti:

- The Village hasn't been contacted.
- We will have our Village Engineer follow-up with the Thruway department to find out what the status is.
- That was and continues to be an issue.
- They don't make money when they have to move utilities.

Anthony Sharan:

- Creative Gardens has about 2,000 yards of mulch stock piled along there.
- I called the DEC. I feel this is a problem water issue. DEC is looking into it.
- Pinebrook which flows down to that area used to be a trout stream at one time
- It flows into Upper Saddle River which is a primary source of water.
- When he started he was making mulch. Now he is not making mulch.
- He got a summons for having a wood splitter on his property.
- It doesn't make sense to give him a summons because of a wood splitter.
- He's got 3,000 to 4,000 yards of mulch on his property.
- There is no well there to catch any water.
- Any water up there is going into the pond. It's going to kill fish.
- Going to pollute the water going downstream.
- It might affect the MS4's.

Mayor Presti:

- Your observations are not going unheeded and unrecognized
- Code Enforcement is on it also. He has been working in tandem with the Building Inspector. Between your communication, Mr. Berker's communication, and Mr. Mallia's communication, we are in the midst of trying to figure out what's going on.
- Mr. Mallia told him the parameters: how high, how wide, an area in which to store •
- If he is taking liberties with those parameters they're working on it.

- We appreciate you're working on it as we are working on our end of it.

Close the Open Floor Public Discussion with regard to general questions.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted 4-0 to **Close the Open Floor Public Discussion**

Motion to Adjourn and meeting and go into Executive Session.

MOTION: Deputy Mayor Brock

SECOND: Trustee Cohen

The Board was polled and voted **4-0** to **Adjourn** the meeting and go into Executive Session.

Meeting Adjourned: 8:48 P M.

Executive Session Adjourned: 9:38 P.M.

Respectfully submitted,

Florence A. Mandel
Village Clerk