

TOWN BOARD  
GARNERVILLE, NY  
JUNE 23, 2008

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, June 23, 2008 at 8:00 p.m. in the Meeting Room of the Town Hall, One Rosman Road, Garnerville, New York.

The meeting was opened with the Pledge of Allegiance.

On Roll Call the following members answered to their names:

Supervisor	Howard T. Phillips, Jr.
Councilman	Isidro Cancel
Councilman	Vincent J. Gamboli
Councilman	John J. Gould
Councilman	Hector L. Soto

**ADOPTION OF MINUTES**

**220-08 REGULAR TOWN BOARD MEETING OF JUNE 9, 2008; SPECIAL MEETING OF JUNE 13, 2008 AND SPECIAL MEETING OF JUNE 17, 2008;** submitted by the Town Clerk on motion by Councilman Soto, seconded by Councilman Cancel, were unanimously adopted.

**PAYMENT OF BILLS**

Councilman Gamboli offered the following resolution, which was seconded by Councilman Cancel, and on roll call unanimously adopted.

**221-08 RESOLVED,** that bills numbered 1,966 through and including 2,212 in the amount of \$587,298.96; and Highway Vouchers numbered 308 through and including 344 in the amount of \$31,148.22 audited at this meeting, be and they are hereby paid.

**ACCEPTANCE OF REPORTS**

Councilman Cancel offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

**222-08 RESOLVED THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF FEBRUARY 2008.**

**PRESENTATION OF THE 2008 ANNUAL YOUTH BOARD SCHOLARSHIP CHECKS TO CHRISTINA AROCENA & CHARLENE MARTONI**

**AUTHORIZATION TO SETTLE TAX CERTIORARI – OAK TREE LANE HAVERSTRAW LTD. SETTLEMENT**

Councilman Gould offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

**223-08 RESOLVED, UPON THE RECOMMENDATION OF DAVE ADAMS, TOWN ASSESSOR AND WILLIAM M. STEIN, TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SETTLEMENT FOR OAK TREE LANE HAVERSTRAW LTD. (26.09-2-8) 1-72 OAK TREE LANE IN THE TOWN OF HAVERSTRAW FOR TAX YEAR 2004 BASED UPON THE FOLLOWING AMOUNTS ON THIS LOCATION:**

<b>TAX YEAR</b>	<b>ORIGINAL ASSESSMENT</b>	<b>REVISED ASSESSMENT</b>	<b>AMOUNT OF REDUCTION</b>
<b>2004</b>	<b>186,250</b>	<b>162,300</b>	<b>23,950</b>

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**AMENDMENT OF COMMUNITY PROJECT CONTRACT WITH STATE OF NEW YORK**

Councilman Cancel offered the following resolution, which was seconded by Councilman Gamboli, and on roll call unanimously adopted.

**224-08 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AMENDMENT TO COMMUNITY PROJECT CONTRACT #M030290 THEREBY EXTENDING THE TIME TO EXPEND THE REMAINING CONTRACT AMOUNT UNTIL JULY 31, 2009.**

**AGREEMENT WITH STATE OF NEW YORK DORMITORY AUTHORITY AND THE TOWN OF HAVERSTRAW**

Councilman Cancel offered the following resolution, which was seconded by Councilman Gamboli, and on roll call unanimously adopted.

**225-08 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO A GRANT DISBURSEMENT AGREEMENT WITH THE STATE OF NEW YORK DORMITORY AUTHORITY TO RECEIVE THE SUM OF \$250,000 TO BE UTILIZED TO DEMOLISH AND REBUILD HANDICAP ACCESSIBLE BATHROOMS AT BOWLINE POINT PARK.**

**AGREEMENT WITH THE COUNTY OF ROCKLAND INTELLIGENCE CENTER AND THE TOWN OF HAVERSTRAW**

Councilman Gould offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

**226-08 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE HOWARD T. PHILLIPS, JR., SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR REIMBURSEMENT TO THE TOWN FOR A POLICE OFFICER ASSIGNED TO ROCKLAND COUNTY INTELLIGENCE CENTER COMMENCING JANUARY 1, 2008 AND TERMINATING ON DECEMBER 31, 2008 IN THE SUM OF \$73,290.00.**

**APPLICATION FOR FIRE HYDRANTS**

Councilman Soto offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

**227-08 RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO SUBMIT AN "APPLICATION FOR FIRE HYDRANTS" TO UNITED WATER NEW YORK INC. FOR ONE (1) FIRE HYDRANT IN THE VICINITY OF LETCHWORTH VILLAGE ROAD AND RIDGE ROAD.**

**AUTHORIZATION TO PERFORM REPAIRS AT PARKVIEW ESTATES**

Councilman Cancel offered the following resolution, which was seconded by Councilman Gould, and on roll call unanimously adopted.

**228-08 WHEREAS, HAVERSTRAW EQUITIES & PROPERTIES OF ROCKLAND, LLC RECEIVED SUB-DIVISION APPROVAL, TO CONSTRUCT THE SUB-DIVISION KNOWN AS PARKVIEW ESTATES, AND**

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**WHEREAS, AS A CONDITION OF SAID SUB-DIVISION APPROVAL, HAVERSTRAW EQUITIES & PROPERTIES OF ROCKLAND, LLC POSTED A BOND TO INSURE THAT THE PUBLIC IMPROVEMENTS AND ROADS WERE COMPLETED IN ACCORDANCE WITH THE APPROVED SUB-DIVISION AND SITE PLAN, AND**

**WHEREAS, ON OR ABOUT NOVEMBER 28, 2007, THE TOWN ALLOWED THE BOND TO LAPSE ON THE CONDITION THAT THE HAVERSTRAW EQUITIES & PROPERTIES OF ROCKLAND, LLC POSTED AN ESCROW OF \$50,000.00 FOR THE BENEFIT OF THE TOWN FOR COMPLETION OF THE PUBLIC IMPROVEMENTS INCLUDING THE ROADS, AND**

**WHEREAS, SUPERINTENDENT OF HIGHWAYS, FRANK BROOKS, HAS ADVISED THE TOWN BOARD THAT HAVERSTRAW EQUITIES & PROPERTIES OF ROCKLAND, LLC HAS NOT COMPLETED THE REPAIR OF ZUKOWSKI DRIVE AND THAT THERE IS AN APPROXIMATE AREA OF 40 – 50 FEET IN THE MIDDLE OF THE ROAD THAT HAS SUNKEN AND HAVERSTRAW EQUITIES & PROPERTIES OF ROCKLAND, LLC HAS NOT BLACK TOPPED THE ENTIRE ROAD.**

**BE IT THEREFORE RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE SUPERINTENDENT OF HIGHWAYS TO PERFORM THE REPAIRS ON ZUKOWSKI DRIVE AND TO PAY FOR SUCH REPAIRS OUT OF THE \$50,000.00 ESCROW CURRENTLY BEING HELD BY THE TOWN.**

**AWARD OF RFP NO. 6-2008 – CAMERA SYSTEM FOR TOWN OF HAVERSTRAW JUSTICE COURT**

Councilman Cancel offered the following resolution, which was seconded by Councilman Gamboli, and on roll call unanimously adopted.

**229-08 RESOLVED, THAT THREE (3) REQUEST FOR PROPOSALS WERE SUBMITTED TO COURT CLERK, CLAUDIA OSSMAN FOR THE INSTALLATION AND PURCHASE OF NINE (9) COMMERCIAL QUALITY CAMERAS FOR THE TOWN OF HAVERSTRAW JUSTICE COURT, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE RFP TO AUTHENTIC ALARM CO., INC. OF POMONA, NEW YORK, THE LOWEST PROPOSAL AT A COST OF \$5,182.00, WHICH WILL BE FUNDED THROUGH THE JUSTICE COURT ASSISTANCE PROGRAM.**

**AUTHORIZING REFERRAL BY THE TOWN OF HAVERSTRAW TOWN BOARD OF UNITED WATER NEW YORK INC.'S PROPOSED PILOT PLANT TO THE TOWN OF HAVERSTRAW PLANNING BOARD, TOWN OF HAVERSTRAW ZONING BOARD OF APPEALS AND THE ROCKLAND COUNTY PLANNING BOARD**

Councilman Gamboli offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

**230-08 WHEREAS, on June 23, 2008, pursuant to Sections 167-14 and 167-19 of the Town of Haverstraw Code ("Town Code"), United Water New York Inc. ("United Water") submitted a Special Permit application to the Town of Haverstraw Town Board ("Town Board") for a small, temporary pilot plant in connection with United Water's long-term water supply project ("Pilot Plant"); and**

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WHEREAS, United Water's long-term water supply project would ultimately involve the construction of a desalination facility at a location yet to be determined to meet the long-term public water supply needs of its Rockland County customers ("Full-Scale Facility"); and

WHEREAS, the Pilot Plant would withdraw water from the Hudson River to gather information, including data collection and research on ambient water quality, treatment methods, sequencing of treatment methods, and volumes of waste and brine streams generated from the desalination process, that would be used to design the Full-Scale Facility; and

WHEREAS, the Pilot Plant would be located at 710 Beach Road in the Town of Haverstraw, Rockland County, New York ("Site") and would be housed in a 3,960 square foot wood frame building approximately thirty to thirty-five feet in height on a concrete slab; and

WHEREAS, the Site is located in a Commercial Recreation ("CR") Zoning District; and

WHEREAS, a public utility substation in a CR Zoning District is a permitted use by Special Permit of the Town Board, pursuant to Section 167-19 of the Town Code; and

WHEREAS, Section 167-19(B) of the Town Code states that the: "minimum lot for a public utility facility ... shall be that required by the zoning district in which it is located or one acre, whichever is greater. The maximum building area, in percentage of the lot, shall be 25%. There shall be provided suitable fencing to protect the public and evergreen planting of sufficient height and density to screen effectively the substation from surrounding property"; and

WHEREAS, the Pilot Plant meets the minimum lot and maximum building area and fencing criteria, but would require a variance to reduce the lot frontage and a reduction in the floodplain buffer from 50 feet to 20 feet; and

WHEREAS, the Pilot Plant is a Type II action under the New York State Environmental Quality Review Act ("SEQRA") and 6 NYCRR §§ 617.5(c)(7), (18) and (21)(2008) because it involves: (a) construction or expansion of a primary or accessory/ appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities; (b) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action; and/or (c) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action; and

WHEREAS, Type II actions are those actions which have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under New York Environmental Conservation Law, Article 8 and therefore are not subject to review under SEQRA, assuming that the proposed action does not meet or exceed any of the listed Type I thresholds; and

WHEREAS, the Pilot Plant would not meet or exceed any of the listed Type I action thresholds set forth in 6 NYCRR § 617.4 (2008); and

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WHEREAS, pursuant to New York General Municipal Law ("NYGML") Section 239-m, prior to final action, the Town Board must refer to the Rockland County Planning Board any Special Permit which pertains to real property within 500 feet of a: (a) municipal boundary; (b) county or state park, existing or proposed; (c) right-of-way of any existing or proposed county and/or state road, parkway and/or throughway; (d) right-of-way of any existing or proposed county drainage channel or stream for which the county has established channel lines; or (e) boundary of any existing or proposed county or state-owned land on which a public building or institution is situated; and

WHEREAS, the Pilot Plant would be located within 500 feet of a municipal boundary and would trigger other criteria in NYGML Section 239-m; and

WHEREAS, all Special Permit applications must be referred to the Town of Haverstraw Planning Board ("Planning Board"), pursuant to Sections 167-14(C) and (H) of the Town Code; and

WHEREAS, pursuant to Town Law Section 274-b, the Town Board may refer matters that request an area variance to the Town of Haverstraw Zoning Board of Appeals ("Zoning Board of Appeals"); and

WHEREAS, pursuant to Section 167-14(G) of the Town Code, prior to the granting of any Special Permit, the Zoning Board of Appeals shall ensure that the application and site plan comply with all other applicable regulations, ordinances and local laws; and

WHEREAS, pursuant to New York Town Law Section 274-b, prior to the granting of any Special Permit, the Town Board must conduct a public hearing on the Special Permit application; now therefore be it

RESOLVED, that the Town Board hereby refers United Water's proposed Pilot Plant to the Planning Board pursuant to Sections 167-14(C) and (H) of the Town Code; and be it further

RESOLVED, that the Town Board hereby refers United Water's proposed Pilot Plant to the Code Enforcement Officer and Zoning Board of Appeals pursuant to New York Town Law Section 274-b and Section 167-14(G) of the Town Code; and be it further

RESOLVED, that the Town Board hereby refers United Water's Special Permit application for the Pilot Plant to the Rockland County Planning Board pursuant to Section 239-m of the New York General Municipal Law; and be it further

RESOLVED, that the Town Board will consider a reduction in the Pilot Plant's floodplain buffer from 50 feet to 20 feet and, if the request is not granted, will further refer this matter to the Planning Board and Zoning Board of Appeals because additional variances may then be necessary; and be it further

RESOLVED, that since the Pilot Plant is a Type II action, pursuant to the SEQRA regulations, no lead agency for the Pilot Plant will be established and no further processing is required under SEQRA in order for the Town Board (and any other board, although such determination will be made by each such board) to act on any application related to the Pilot Plant; and be it further

RESOLVED, that the Town Board will cause a notice, and proper filing of such notice, to be made of a July 14, 2008 public hearing on the Special Permit.

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### UNITED WATER PRESENTATION

Representatives from United Water New York were present at the Town Board Meeting and a presentation was made. The individuals who spoke were: Sameet Master, P.E. - Project Manager, United Water New York, Robert Alessi, Esq. - Partner, Dewey & LeBoeuf LLP, and John Dillon, Esq. - Corporate Attorney, United Water. The following is a summary of the presentation:

On June 23, 2008, United Water New York Inc. submitted a Special Permit application to the Town of Haverstraw Town Board for the construction of a temporary Pilot Plant in the Town of Haverstraw located near the Haverstraw Marina at 710 Beach Road for the proposed United Water's long-term water supply project. Plans of the facility were submitted to all Board members. This project would involve the construction of a pilot desalination facility to meet the future water supply needs of Rockland County customers. The location for the desalination facility has not yet been announced. The Pilot Plant would withdraw water from the Hudson River to gather information, including data collection and research on ambient water quality and treatment methods that would be used to design the Full Scale Facility.

This Special Permit application must be referred to the Town of Haverstraw Planning Board for their recommendations. The Town Board may refer any matters that request a variance to the Town of Haverstraw Zoning Board of Appeals. Prior to the granting of any Special Permit, the Town Board must conduct a Public Hearing on the Special Permit application, which has been scheduled for July 14, 2008 at 8:00 p.m.

United Water is requesting that the Town Board refer the United Water's proposed Pilot Plant to the Planning Board, to the Code Enforcement Officer and Zoning Board of Appeals, and to the Rockland County Planning Board and any other required agencies. No lead agency for the Pilot Plant will be established and no further processing is required under SEQRA in order for the Town Board to act on any application related to the Pilot Plant.

Supervisor Phillips stated that he was pleased to see from the plans for the Pilot Plant has a waterfront design and asked at what point when can you give us an idea where the actual permanent facility will be.

John Dillon, Esq. - Corporate Attorney, United Water stated that we are hoping to announce in the next few months where the permanent building will be.

Supervisor Phillips asked Mr. Dillon how much of a ratable will the new facility bring into the Town.

John Dillon, Esq. - Corporate Attorney, United Water stated that on the lower end approximately \$60,000,000 and higher end \$80,000,000 to \$100,000,000.

Supervisor Phillips asked what their confidence level is that this pilot plant can work.

Sameet Master, P.E. - Project Manager, United Water New York, stated that he was very confident that this process will be able to treat the Hudson River and will meet the water demands.

Councilman Gamboli asked if they will restore the site or take down the Pilot Plant if the desalination facility is located in the Town of Haverstraw.

Sameet Master, P.E. - Project Manager, United Water New York, stated that we will tie it into the plant depending on where we locate the facility.

Councilman Cancel asked if there have been any challenges from environmental groups.

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John Dillon, Esq. - Corporate Attorney, United Water stated no that there haven't been any challenges and that United Water has been very open and supportive of the project to anyone who is interested. Construction of the desalination facility will begin in 2013 and end by 2015.

Supervisor Phillips stated that we are very excited about this and think that it can work and it can be proven. The Town would love to be the host of this environmental friendly project and to bring in an excellent ratable for the Town. We look forward to working with United Water.

Councilman Gould asked that during the construction of the pilot project, what are the numbers of anticipated employees.

John Dillon, Esq. - Corporate Attorney, United Water stated that the facility will be fully automated.

Sameet Master, P.E. - Project Manager, United Water New York stated that we are investigating what the work force will be but mostly the facility will be fully automated.

Councilman Soto asked if a traffic study was done for the project.

John Dillon, Esq. - Corporate Attorney, United Water stated that a traffic study will be part of the environmental impact review process.

William Stein, Town Attorney stated that if anyone from the public would like to review the plans, a set of plans are available at Town Hall.

#### **PUBLIC PARTICIPATION**

Ilan Shulan, Thiells stated that he was very excited about this project and asked who did the pilot study.

John Dillon, Esq. - Corporate Attorney, United Water stated that there are no other pilot facilities on the Hudson River that we built. United Water is very committed to this project and this is a high priority project.

#### **REQUEST FOR BONDING – JOINT REGIONAL SEWAGE BOARD (JRSB)**

Councilman Cancel offered the following resolution, which was seconded by Councilman Gamboli, and on roll call unanimously adopted.

**231-08 WHEREAS, THE TOWN BOARD HAS RECEIVED A REQUEST FROM THE JOINT REGIONAL SEWAGE BOARD (JRSB) TO ISSUE A BOND ANTICIPATION NOTE IN THE AMOUNT O F \$1,800,000 TO PERFORM CERTAIN IMPROVEMENTS TO THE SEWAGE SYSTEM, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD SHALL UNDERTAKE ALL NECESSARY ACTIONS TO OBTAIN THE BOND ANTICIPATED NOTE WITH THE COSTS TO BE REIMBURSED BY THE JRSB.**

#### **AUTHORIZATION TO PURCHASE A POLICE CRUISER**

Councilman Gould offered the following resolution, which was seconded by Councilman Soto, and on roll call unanimously adopted.

**232-08 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE CHIEF OF POLICE, CHARLES MILLER TO PURCHASE A 2008 DODGE CHARGER UNDER STATE BID #PC63556 AT A TOTAL COST OF \$21,573.75 FROM WAREEK FLEET.**

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### **PUBLIC PARTICIPATION**

Jerry King, Anderson Rd., Pomona stated that the Police and Highway Departments are doing an excellent job. Mr. Anderson has been living at the Fairways of Pomona for about 15 years. When he first moved into the neighborhood the Highway Dept. replaced the curbs with Belgium block. The roads in his neighborhood are in need of repair and Mr. Anderson was wondering if they were on the list for repairs, and if any of the \$1.4 million grant money the Town is receiving could be used to pave the roads.

Frank Brooks, Superintendent of Highways stated that a lot of the roads are in the need to be recapped. The roads are 20 years old. This is something that we need to address in the near future.

Supervisor Phillips stated to Mr. King that we will look at it and will try to get to it this year if not next year. The Town needs to acquire more state and federal funding for road improvements. Supervisor Phillips suggested to Mr. Brooks to make a prioritized list of road paving projects.

Jerry King, Anderson Road, Pomona asked Mr. Stein, Town Attorney if Cablevision is in violation of their contract with the Town because several channels have disappeared from his TV and Cablevision states that you need to purchase a box to get the channels. They are forcing people to get a box.

William Stein, Town Attorney stated that he will look at the Cablevision contract. We would like Cablevision to come at a Public Hearing and the public can ask them directly. The Town is in the process of scheduling a Public Hearing for a September Town Board Meeting.

Supervisor Phillips stated that we want Cablevision to explain why they are removing channels. Cablevision is increasing their costs and diminishing their services. I want to have a Public Hearing and the Town Attorney will check if they are in violation of their contract by removing these channels.

Ilan Shulan, Thiells stated that the homeowners and their properties are being neglected due to the installation of a cable line by Verizon. Mr. Shulan wants to be compensated money from Verizon for going onto his property. He feels we should all be compensated.

Supervisor Phillips stated that Verizon will not compensate anyone.

Bill Holland, Haverstraw stated that Bowline Park is getting better and better. Mr. Holland inquired about the restaurant at the Haverstraw Marina and when was it opening.

Supervisor Phillips stated that they are going to have a soft opening tomorrow. Different people are running the restaurant and they are in the process of obtaining their liquor license.

Bill Holland, Haverstraw asked if the cameras in the Village of Haverstraw were working.

Charles Miller, Chief of Police stated that he has not heard anything from the Mayor in the Village and will reach out to him as soon as possible.

### **TOWN BOARD**

Supervisor complimented the Multi Cultural Festival Committee for the wonderful job they did organizing and planning the Multi Cultural Festival that was held last Saturday.

4<sup>th</sup> of July Fireworks will be celebrated on Thursday, July 3<sup>rd</sup> at Bowline Point Park. Raindate will be Friday, July 4<sup>th</sup>.



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Registration for Day Camp and Bowline Park continues.

Thursday Night Summer Concert Series will begin on July 10, 2008 at Bowline Point Park. The concerts are free and open to the public.

**ADJOURNMENT**

**233-08** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Carlos Julian Tejada, Francis J. Hoyer, Sr., Marilyn Zerecker, John David Darzen, Philomena Amadio, Patrick J. Hennessy, Helen A. Ewald, James Charles Hoyt, and Martin P. Foley, who recently passed away. Supervisor Phillips, the Town Board members and the Elected Officials further extended their condolences and sympathy to the families. Thereafter, a motion was made by Councilman Soto, seconded by Councilman Gould, and the Town Board Meeting was adjourned.

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**JOSEPHINE E. CARELLA**  
Town Clerk