

TOWN BOARD
GARNERVILLE, NY
AUGUST 18, 2008

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, August 18, 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 (Absent)
Councilman	Vincent J. Gamboli (Absent)
Councilman	John J. Gould
Councilman	Hector L. Soto

ADOPTION OF MINUTES

255-08 PUBLIC HEARING, REGULAR TOWN BOARD MEETING, AND SANITATION COMMISSION MEETING OF JULY 14, 2008; submitted by the Town Clerk on motion by Councilman Soto, seconded by Councilman Gould, were unanimously adopted.

PAYMENT OF BILLS

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

256-08 RESOLVED, that bills numbered 2,674 through and including 3,025 in the amount of \$734,087.88; and Highway Vouchers numbered 414 through and including 461 in the amount of \$41,682.17 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

257-08 RESOLVED THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF MAY 2008.

LOUIS "BUTCH" BABCOCK, MIKE RENZA & JOE CANAVARA OF THE MOTORCYCLE ASSOCIATION PRESENTED A PLAQUE TO SUPERVISOR PHILLIPS FOR HIS OUTSTANDING AND CONSISTENT SUPPORT FOR MAKING HAVERSTRAW AND ROCKLAND COUNTY A BETTER PLACE TO LIVE AND FOR SUPPORTING THEIR "5TH ANNUAL CHARITY DICE RUN" EVENT

Supervisor Phillips stated that he would like to recognize Butch Babcock, Joe Canavara, Kevin Clifford, Mike Renza, Danny, Leslie, Jeff and Barbara of the Second Generation and thank them for giving him the plaque.

LOCATION OF UTILITY SERVICES AT HAVERSTRAW AMBULANCE BUILDING

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

258-08 RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE TOWN ATTORNEY TO ENTER INTO AN AGREEMENT WITH PREMIER UTILITY SERVICES, LLC FOR LOCATION OF UTILITIES AT THE TOWN OF HAVERSTRAW AMBULANCE CORP. BUILDING.

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

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

259-08 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 \$50,000 TO BE UTILIZED FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT BOWLINE POINT PARK LOCATED IN THE TOWN OF HAVERSTRAW.

**AMEND RESOLUTION NO. 240-08 ENTITLED, "ACCEPTANCE OF LETTER OF
RESIGNATION FOR MICHAEL MOORE, LIEUTENANT"**

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

260-08 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, HEREBY AMENDS RESOLUTION NUMBER 240-08 ENTITLED, "ACCEPTANCE OF LETTER OF RESIGNATION FOR MICHAEL MOORE, LIEUTENANT," TO READ "ACCEPTANCE OF LETTER OF RETIREMENT FOR MICHAEL MOORE, LIEUTENANT," EFFECTIVE JULY 8, 2008, DUE TO A CLERICAL ERROR.

BUDGET ADJUSTMENTS FOR PERIOD ENDING 7/31/08

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

261-08 RESOLVED, THAT THE SUPERVISOR IS AUTHORIZED TO MAKE BUDGET ADJUSTMENTS FROM THE GENERAL FUND (A) IN THE AMOUNT OF \$70,000 AND SEWER DISTRICT (SS) IN THE AMOUNT OF \$50.00 PURSUANT TO THE REPORT OF THE DIRECTOR OF FINANCE FOR THE TOWN OF HAVERSTRAW FOR THE PERIOD ENDING JULY 31, 2008. (SEE ATTACHED BUDGET ADJUSTMENTS.)

**TOWN OF HAVERSTRAW BID NO. 6 -2008 ADVERTISE FOR BIDS -
HAVERSTRAW VOLUNTEER AMBULANCE CORP. BUILDING**

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

262-08 RESOLVED, UPON THE RECOMMENDATION OF GENOVESE ASSOCIATES ARCHITECTS, INC., THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE TOWN CLERK TO PUBLISH A NOTICE TO BIDDERS THAT SEALED PROPOSALS WILL BE RECEIVED AT HER OFFICE AT ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, UP TO AND INCLUDING 11:00 A.M. ON WEDNESDAY, SEPTEMBER 17, 2008 FOR THE RECEIPT OF BID NO. 6 -2008 FOR THE PURPOSE OF PROVIDING ALL LABOR, MATERIALS AND EQUIPMENT NECESSARY TO COMPLETE THE ADDITION AND RENOVATIONS TO THE HAVERSTRAW VOLUNTEER AMBULANCE CORP. BUILDING LOCATED IN HAVERSTRAW, NEW YORK, IN ACCORDANCE WITH THE SPECIFICATIONS ON FILE IN THE OFFICE OF THE TOWN CLERK, COPIES OF WHICH, TOGETHER WITH FORM OF PROPOSAL, MAY BE OBTAINED AT HER OFFICE. THE TOWN RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS. BIDS RECEIVED LATER THAN THE DATE AND TIME SPECIFIED WILL NOT BE CONSIDERED AND WILL BE RETURNED TO THE BIDDER UNOPENED. ALL BIDDERS MUST FILE A STATEMENT OF NON-COLLUSION WITH THEIR BIDS.

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TOWN OF HAVERSTRAW BID NO. 7 -2008 ADVERTISE FOR BIDS - BLACK VINYL FENCE AT THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE

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

263-08 RESOLVED, UPON THE RECOMMENDATION OF CAL FOWX, GREENSKEEPER, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE TOWN CLERK TO PUBLISH A NOTICE TO BIDDERS THAT SEALED PROPOSALS WILL BE RECEIVED AT HER OFFICE AT ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, UP TO AND INCLUDING 10:00 A.M. ON THURSDAY, SEPTEMBER 4, 2008 FOR THE RECEIPT OF BID NO. 7 -2008 FOR THE PURCHASE OF AN ALL BLACK VINYL FENCE SYSTEM AT THE PHILLIP J. ROTELLA MEMORIAL GOLF COURSE LOCATED ON THIELLS/MT. IVY ROAD IN THIELLS, NEW YORK, IN ACCORDANCE WITH THE SPECIFICATIONS ON FILE IN THE OFFICE OF THE TOWN CLERK, COPIES OF WHICH, TOGETHER WITH FORM OF PROPOSAL, MAY BE OBTAINED AT HER OFFICE. THE TOWN RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS. BIDS RECEIVED LATER THAN THE DATE AND TIME SPECIFIED WILL NOT BE CONSIDERED AND WILL BE RETURNED TO THE BIDDER UNOPENED. ALL BIDDERS MUST FILE A STATEMENT OF NON-COLLUSION WITH THEIR BIDS.

REJECTION OF BIDS, "COMMINGLED RECYCLABLE COLLECTION SERVICE IN THE UNINCORPORATED AREAS OF THE TOWN OF HAVERSTRAW" DATED DECEMBER 10, 2007

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

264-08 RESOLVED, THAT THE TOWN BOARD HEREBY REJECTS THE BID FOR COMMINGLED RECYCLABLE COLLECTION SERVICE IN THE UNINCORPORATED AREAS OF THE TOWN OF HAVERSTRAW, RESOLUTION NUMBER 416-07, WHICH WAS RECEIVED BY THE TOWN BOARD.

AUTHORIZATION TO RE-BID – NO. 8-2008 - COMMINGLED RECYCLABLE COLLECTION SERVICE IN THE UNINCORPORATED AREAS OF THE TOWN OF HAVERSTRAW

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

265-08 RESOLVED, THAT THE TOWN BOARD DOES HEREBY AUTHORIZE THE PUBLICATION FOR LEGAL ADVERTISEMENT TO RE-BID FOR THE PURPOSE OF FURNISHING ALL MATERIALS, EQUIPMENT AND LABOR FOR THE COMMINGLED RECYCLABLE COLLECTION SERVICE IN THE UNINCORPORATED AREAS OF THE TOWN OF HAVERSTRAW. SEALED PROPOSALS WILL BE RECEIVED BY THE TOWN CLERK OF THE TOWN OF HAVERSTRAW LOCATED ON ONE ROSMAN ROAD, GARNERVILLE, NEW YORK UNTIL WEDNESDAY, SEPTEMBER 3, 2008 AT 11:00 A.M.

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NOMINATE JAMES McNALLY POLICE OFFICER FULL TIME

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

266-08 RESOLVED, THAT UPON THE RECOMMENDATION OF CHARLES MILLER, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY NOMINATE JAMES P. McNALLY OF WEST HAVERSTRAW, NEW YORK TO THE POSITION OF POLICE OFFICER, FULL TIME FOR THE TOWN OF HAVERSTRAW, AND BE IT FURTHER

RESOLVED, THAT THIS APPOINT IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.

AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND ROBERT GENESLAW CO.

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

267-08 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ROBERT GENESLAW CO. TO PROVIDE PLANNING SERVICES IN REGARD TO THE NEW YORK SPORT CLUB AT ROSMAN CENTER BASED UPON THE ROBERT GENESLAW CO. FEE SCHEDULE DATED JANUARY 2008.

APPROVAL FOR TOWN OF HAVERSTRAW JUSTICE COURT TO APPLY FOR GRANT FUNDS

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

268-08 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY APPROVES THE TOWN OF HAVERSTRAW'S JUSTICE COURT TO APPLY FOR GRANT FUNDING THROUGH THE 2008 JUSTICE COURT ASSISTANCE PROGRAM.

APPOINTMENT TO POLICE COMMITTEE – DAVID VELAZQUEZ

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

269-08 RESOLVED, THAT DAVID VELAZQUEZ OF POMONA, NEW YORK, BE AND HE HEREBY IS APPOINTED TO THE TOWN OF HAVERSTRAW POLICE COMMITTEE, EFFECTIVE IMMEDIATELY.

PUBLIC PARTICIPATION

A group of residents from the neighborhood of Hurd Drive and Maple Avenue expressed their concerns regarding the recent burglaries that have occurred to their homes and in the neighborhood. The residents are asking for more police protection and would like to begin a Neighborhood Watch Program. Resident Laura Otulack spoke on their behalf.

Supervisor Phillips informed the residents that whenever you have a problem involving your neighborhood, please come to us and we can meet on a monthly basis. The Town has a Neighborhood Watch Program. Sgt. Hickey is in charge of the program. We can set up a regular night where we can meet, interact by phone or e-mail when different things are going on.

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Laura Otulack, 15 Maple Ave., Garnerville stated that there were 89 burglaries in that area and throughout the Town since January.

Supervisor Phillips stated that we have a two man unit that we can move over to your neighborhood.

Laura Otulack, 15 Maple Ave., Garnerville stated that we definitely need a Neighborhood Watch Program. On Bridge and Wall Streets there is a group of young men that walk very slow on the streets.

Rose Marie Hudson, 11 Hurd Ave., Garnerville asked when do we stop living in fear? Most of us work during the day and are not home.

Supervisor Phillips let's start the Neighborhood Program.

Alvin Arlitz, 17 Hillside Drive, Thiells – spoke about Verizon coming on their property and thought that the residents should be notified in some way, via a flyer, when they would be coming on our property and who we should call if we have any problems. Mr. Arlitz inquired about senior citizens program offered by the Town.

Supervisor Phillips stated that Building Inspector Gene Barnum and Superintendent of Highways, Frank Brooks have been doing an excellent job in handling the complaints and comments that having been coming into Town Hall from the public concerning the installation of the FIOS Verizon. Supervisor Phillips suggested that Mr. Arlitz get with Mr. Barnum and Mr. Brooks after the meeting.

Supervisor Phillips stated that a Town newsletter will be coming out next month to keep you informed of senior citizens activities. Maureen Corallo, Senior Leader for the Town will give you a call. We will also work on getting the Town's website updated.

Ilan Schulein of Thiells and Bert Singer of Pomona inquired about the United Water Pilot plan to build a desalinization plant in the Town.

Supervisor Phillips stated that the NYSDEC wants to conduct a SEQRA review. We gave DEC a month to get back to us, hopefully by the first Town Board Meeting in September, which is on the 8th.

Bert Singer of Pomona stated that it's lunacy to take water from the Hudson River to supply us with fresh water. We should get together with New York City and do what they do for water.

TOWN BOARD MEMBERS

Summer Concert Series continues at Bowline Point Park every Thursday evening at 7:30 p.m. The weekend of Labor Day will be the last concert of the summer. The concerts will be on Sunday, 8/31/08 at 5:00 p.m. and 7:00 p.m.

A representative from Cablevision will be at the Town Board Meeting of September 22, 2008 to answer any questions or concerns the public may have about their services.

UPCOMING EVENTS

Halloween Festival is tentatively scheduled for Saturday, October 28, 2008 at Bowline Point Park. Updated information will be posted on our website.

The Haverstraw Little League 12 year old boys won the **2008 Little League New York Championships**. The Town honored the team with Distinguished Service Awards last Thursday evening at Bowline Park before the summer concert began.

ADJOURNMENT

270-08 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Claire Frasco, Irwin A. Miller, Bonnie Janet French McClung, Katherine Ambery, Carmela P. Santora, Roger Hazelton, Rose Matone Anderton, Juan A. Espinal, Christopher Shawn McMurry, Thomas J. Hekl, Anthony LeRoy, Ann Jeanette Barry, Thomas P. Golden, Kathleen A. Cunningham, Ida May Starr, Marjorie Hobbs, Angelica Soto, James Michael McGovern, Gilberto Arroyo, Yolette Etienne, Ann Marzella and Owen Schuler, 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 Gould, seconded by Councilman Soto to adjourn the Town Board Meeting. Following the closure of the meeting, an Executive Session was held to discuss a Personnel matter and the following resolution was passed.

RESOLUTION

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

271-08 BE IT RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW ("TOWN BOARD") HEREBY APPOINTS JOSEPH E. WOOLEY OF HAWTHORNE, NEW YORK, TO ACT AS A HEARING OFFICER PURSUANT TO CHAPTER 526 OF THE LAWS OF NEW YORK (THE "ROCKLAND COUNTY POLICE ACT") WITH RESPECT TO EMPLOYEE NUMBER 992349 AND CERTAIN DISCIPLINARY CHARGES PREFERRED BY THE CHIEF OF POLICE AGAINST SAID EMPLOYEE, AND HEREBY DIRECTS THAT OFFICER TO CONDUCT A HEARING, MAKE FINDINGS OF FACT AND ISSUE A RECOMMENDATION OF GUILT OR INNOCENCE ALONG WITH A RECOMMENDED PENALTY, IF APPROPRIATE, TO THE TOWN BOARD PURSUANT TO CERTAIN RULES AND REGULATIONS PROMULGATED BY THE TOWN BOARD; AND

BE IT FURTHER RESOLVED, THAT THE TOWN OF HAVERSTRAW (THE "TOWN") SHALL PROVIDE FOR THE DEFENSE AND INDEMNIFICATION OF THE HEARING OFFICER IN ANY CIVIL ACTION OR PROCEEDING, STATE OR FEDERAL, ARISING OUT OF ANY ALLEGED ACT OR OMISSION WHICH OCCURRED OR ALLEGEDLY OCCURRED WHILE THE HEARING OFFICER WAS ACTING IN CONNECTION WITH THE DISCIPLINARY CHARGES AND/OR DISCIPLINARY HEARING, INCLUDING BUT NO LIMITED TO THE ISSUANCE OF THE REPORT AND RECOMMENDATION, ALONG WITH THE HEARING OFFICER'S RECOMMENDED FINDING OF GUILT OR INNOCENCE, AS WELL AS ANY PROPOSED PENALTY. THIS DUTY TO PROVIDE FOR A DEFENSE SHALL NOT ARISE WHERE SUCH CIVIL ACTION IS BROUGHT BY THE TOWN. IN THE EVENT ANY ACTION IS MAINTAINED AGAINST THE HEARING OFFICER IN CONNECTION WITH HIS DUTIES HEREIN, THE HEARING OFFICER SHALL BE ENTITLED TO BE REPRESENTED BY PRIVATE COUNSEL CHOSEN BY THE TOWN BOARD, WHO MAY ALSO REPRESENT THE TOWN, THE TOWN BOARD AND ANY OF ITS EMPLOYEES, UNLESS A CONFLICT OF INTEREST WOULD ARISE. IN SUCH EVENT, THE TOWN BOARD SHALL SELECT SEPARATE COUNSEL FOR THE HEARING OFFICER; AND

BE IT FURTHER RESOLVED, THAT JOSEPH E. WOOLEY SHALL BE COMPENSATED AT A RATE NOT TO EXCEED \$185.00 PER HOUR FOR SERVICES RENDERED.

RAQUEL VENTURA
First Deputy