

TOWN BOARD  
GARNERVILLE, NY  
JUNE 22, 2009

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, June 22, 2009 at 8:00 p.m. in the Meeting Room of the Town Hall, One Rosman Road, Garnerville, New York.

On Roll Call the following members answered to their names:

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

**PUBLIC HEARING - ADOPTION OF 2009 BOWLINE POINT PARK SUMMER RATES**

Supervisor Phillips announced that this Public Hearing is being held for the purpose of discussing and adopting the 2009 Bowline Point Park Summer Rates.

**PRESENTATION BY SUPERVISOR HOWARD T. PHILLIPS, JR.**

Supervisor Phillips stated that this is a public hearing to adopt the summer rates for the 2009 Bowline Point Park season. The rates will remain the same with no increase. We kept the rates in comparison to the other Towns. The Town Board has instituted a special party permit at a minimal fee. Many of our residents, organizations, schools and senior groups use the Park so we decided to initiate a fee for parties. Listed below are the summer 2009 rates for Bowline Point Park.

**2009 Bowline Rates**

**RESIDENTS**

**NONRESIDENTS**

**SEASONAL RATES\***

Family Pool Pass	\$ 250.00	\$ 500.00
Adult (18 & over) Pool Pass	\$ 100.00	\$ 200.00
Child (17 & Under) Pool Pass	\$ 90.00	\$ 180.00
Family Tennis Pass	\$ 90.00	\$ 180.00
Individual Tennis Pass	\$ 50.00	\$ 100.00

**DAILY PARK PASS RATES**

Family Park Pass	\$ 100.00	\$ 200.00
Individual Park Pass	\$ 50.00	\$ 100.00

**Daily Weekday Swim & Tennis Rates**  
**With Daily Park Pass**

Adult (18 & older)	\$ 6.00	\$ 12.00
Child ( 17 & under)	\$ 5.00	\$ 10.00
Tennis	\$ 4.00	\$ 8.00

**Daily Weekend Swim & Tennis Rates**  
**With Daily Park Pass**

Adult ( 18 & older)	\$ 7.00	\$ 14.00
Child ( 17 & under)	\$ 6.00	\$ 12.00
Tennis	\$ 4.00	\$ 8.00

**\*ID CARD PER PERSON \$5.00**

**PUBLIC PARTICIPATION**

No comment.

**BOARD MEMBERS**

No comment.

**CLOSE PUBLIC HEARING**

**226-09** On motion by Councilman Soto and seconded by Councilman Gould, unanimously adopted, the Public Hearing was closed.

**ADOPT RESOLUTION**

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

**227-09** **RESOLVED**, that the Town Board of the Town of Haverstraw, does hereby adopt the 2009 Rates for Bowline Point Park.

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**JOSEPHINE E. CARELLA**  
Town Clerk

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The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, June 22, 2009 at 8:00 p.m. in the Meeting Room of the Town Hall, One Rosman Road, Garnerville, New York.

On Roll Call the following members answered to their names:

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

The meeting was opened with the Pledge of Allegiance by the Town of Haverstraw Police Color Guard.

**CREATE POSITION – PROVISIONAL POLICE CAPTAIN TOWN OF HAVERSTRAW**

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

**228-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CREATE THE POSITION OF PROVISIONAL POLICE CAPTAIN FOR THE TOWN OF HAVERSTRAW, AS APPROVED BY THE COUNTY OF ROCKLAND, DEPARTMENT OF PERSONNEL. SALARY TO BE DETERMINED.**

**PROVISIONAL APPOINTMENT OF POLICE CAPTAIN – MARTIN LUND**

The following resolution was moved by the Full Board.

**229-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPROVE THE PROVISIONAL APPOINTMENT OF MARTIN LUND OF THIELLS, NEW YORK TO THE POSITION OF POLICE CAPTAIN AT THE TOWN OF HAVERSTRAW POLICE DEPARTMENT, EFFECTIVE IMMEDIATELY AND BE IT FURTHER**

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

The Town of Haverstraw Police Color Guard retired its colors.

**PRESENTATION OF CHECKS FOR THE NORTH ROCKLAND FAMILY DAY**

The 6<sup>th</sup> Annual North Rockland 3 Mile Run/Walk was held on May 31<sup>st</sup>. The Towns of Haverstraw and Stony Point donated the proceeds from the walk to Lauren Shields, Xenia Rodriguez and Carol Kelly.

Sameet Master, United Water Project Manager thanked the Town Board for taking their application. The first public hearing was held last July and since then a lot of time has passed. The Town of Haverstraw required us to accelerate the process and as a result we found another location that will drastically reduce the size of the building on the Hudson River, which will have the appearance of a shed. These revisions were made and we submitted the application which brings us here this evening.

Supervisor Phillips stated that the changes greatly diminish the footprint of the building. The Supervisor opened the resolution to the public.

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Martin Bagrosky, Oakwood Lane, Thiells stated that due to the 18 days of rain perhaps United Water could suspend their summer rates. The more water we get from the facility, the higher our rates go.

Supervisor Phillips stated that the biggest problem over the years is capturing the rain water. It has become a severe problem. By order from the PSC, we have to find new ways to get water. Why would anybody object to a lab?

Frances Welsh, Beach Road, W. Haverstraw asked if there is a point of no return. Is there a point where you have to turn back because there is nothing you can do?

Sameet Master, United Water Project Manager stated that the SEQRA process evaluates all of the alternatives available. What other alternatives are available when it comes to a point to make a decision when all of the information is in front of you.

**RESOLUTION GRANTING A SPECIAL PERMIT USE TO UNITED WATER NEW YORK INC. FOR THE COMPONENTS OF A PROPOSED PILOT PLANT**

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

**230-09** WHEREAS, on June 18, 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 Use application to the Town of Haverstraw Town Board (“Town Board”) for a temporary pilot plant in connection with United Water’s long-term water supply project (“Pilot Plant”); and

WHEREAS, the Pilot Plant would consist of (1) testing facilities (“Testing Facilities”); (2) a raw water intake line (“Intake Line”); (3) two raw water abstraction pumps (“Pumping Station”); and (4) a raw water transmission main (“Transmission Line”). United Water would use the Pilot Plant to gather information on ambient water quality, treatment methods to assist United Water in planning for its long-term water supply project, (“Full-Scale Facility”), a desalination facility that will use water from the Hudson River to satisfy the public water supply needs of United Water’s Rockland County customers. The information gathered by the Pilot Plant would be used to refine treatment processes and sequencing of treatment for the Full-Scale Facility. The Pilot Plant may also allow United Water to evaluate the potential environmental effects of the Full-Scale Facility on a smaller scale; and

WHEREAS, on June 12, 2009, United Water submitted a revised Special Permit Use application, which included revised drawings, because the Testing Facilities are now proposed to be relocated from the Town of Haverstraw to the Village of West Haverstraw, which will leave the Intake Line, the Pumping Station, and the Transmission Line – collectively referred to as the “Pilot Plant Components” – as the sole subject of the Special Permit Use application; and

WHEREAS, the Intake Line and Pumping Station would be on located at 710 Beach Road in the Town of Haverstraw, Rockland County, New York (“Site”). The approximately 1.7 mile Transmission Line will carry untreated Hudson River water from the Site to the Testing Facilities in the Village of West Haverstraw via existing utility right-of-ways along Beach Road/Grassy Point Road and then west along Railroad Avenue into the Village of West Haverstraw; and

WHEREAS, the revisions to United Water’s Special Permit Use application are not substantial because the Pilot Plant Components remaining in the Town of Haverstraw (and their effects) have already been reviewed and were previously the subject of a public hearing. The proposed relocation of the Testing Facilities to the Village of West Haverstraw is a mitigation measure that reduces potential impacts to the Hudson River; and

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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 Use of the Town Board, pursuant to Section 167-19 of the Town Code; and

WHEREAS, on June 23, 2008 the Town Board passed a resolution (Resolution 13) finding that the Pilot Plant is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”) and declaring that no lead agency will be established and no further processing is required under SEQRA in order for the Town Board to act on the Special Permit Use application; and

WHEREAS, on January 26, 2009, the New York State Department of Environmental Conservation (“NYSDEC”) also classified the Pilot Plant as a Type II action under SEQRA. In making its Type II finding with respect to the Pilot Plant, NYSDEC relied on 6 NYCRR 617.5(c)(18), which states that Type II actions include “information collection including basic data collection and research, water quality and pollution studies ... [and] engineering studies ... that do not commit the agency to undertake, fund or approve any Type I or Unlisted action.” Under 6 NYCRR § 617.5(a), Type II actions are not subject to review under SEQRA because they “have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under [SEQRA];” and

WHEREAS, the June 23, 2008 and January 26, 2009 Type II determinations with respect to the Pilot Plant encompass and apply to the Pilot Plant Components because the purpose of the revised Special Permit Use application is identical to the purpose of the original Special Permit Use application (*i.e.*, basic data collection in support of the Full-Scale Facility, including undertaking water quality, pollution and engineering studies); and

WHEREAS, on June 23, 2008, the Town Board passed a resolution (Resolution 13) stating 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 Use application; and

WHEREAS, notice of the July 14, 2008 public hearing was published in the Rockland County Times and properly filed; and

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 Use application that 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 will be located within 500 feet of a municipal boundary and triggers other criteria in NYGML Section 239-m; and

WHEREAS, on June 23, 2008, the Town Board passed a resolution (Resolution 13) referring the Special Permit Use application to the Rockland County Planning Board and on July 3, 2008 provided the Rockland County Planning Board with a copy of the resolution, the Special Permit Use application, and notice of the public hearing scheduled for July 14, 2008; and

WHEREAS, on July 3, 2008, the Town Board provided the Town of Stony Point with notice of the public hearing scheduled for July 14, 2008 and a copy of the Special Permit Use application, pursuant to NYGML Section 239-nn; and

WHEREAS, on July 7, 2008, the Town Board provided a copy of the Special Permit Use application and accompanying materials to NYSDEC; and

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WHEREAS, on July 3, 2008, the Town Board provided the Rockland County Department of Highways, Rockland County Drainage Agency, and Rockland County Department of Health copies of the Special Permit Use application and accompanying materials; and

WHEREAS, on July 15, 2008, the Town Board provided the Haverstraw Joint Regional Sewerage Board (“JRSB”) a copy of the Special Permit Use application and accompanying materials; and

WHEREAS, on July 14, 2008, the Town Board received a letter from the Rockland County Planning Board regarding the Special Permit Use application; and

WHEREAS, the Town Board has received comments from the Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, and NYSDEC on the Special Permit Use application, and the JRSB has sent a letter stating that it can accept the flow of waste water from the Pilot Plant; and

WHEREAS, all Special Permit Use 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, on June 23, 2008, the Town Board passed a resolution (Resolution 13) referring the Special Permit Use application to the Planning Board; and

WHEREAS, on July 2, 2008, the Planning Board passed a resolution recommending that the Town Board grant the Special Permit Use application for the Pilot Plant; and

WHEREAS, on June 23, 2008, the Town Board passed a resolution (Resolution 13) referring the Special Permit Use application to the Architectural Review Board; and

WHEREAS, on July 29, 2008 and June 17, 2009, the Architectural Review Board recommended approving the Special Permit Use application; and

WHEREAS, on June 23, 2008, the Town Board passed a resolution (Resolution 13) referring the Special Permit Use application to the Town Code Enforcement Office and Zoning Board of Appeals; and

WHEREAS, the Town Board has evaluated the factors set forth in Sections 167-14 (A)(1)-(10) and 167-19 of the Town Code; now therefore be it

RESOLVED, the Pilot Plant (including the Pilot Plant Components) meets the definition of “Public Utility Substations” found in Section 167-3 of the Town Code as it is “designed and intended for the control of the distribution” of “other local utility service,” that is, the provision of a public water supply. A public utility substation in a CR zoning district is a permitted use by Special Permit Use of the Town Board, pursuant to Section 167-19 of the Town Code; and be it further

RESOLVED, the Town Board has evaluated the accessibility of the Site involved in the Special Permit Use application to fire and police protection and found that the Pilot Plant Components will be fully accessible to fire and police protection given their location on Beach Road and the pre-existing access roads on the Site; and be it further

RESOLVED, the Town Board has evaluated light and air access to the Site and to adjoining properties and found that such access will not be impacted because the Pilot Plant Components: (1) will be approximately six feet tall; (2) will be an adequate distance from adjoining properties; (3) will not impact operations on the Site or nearby properties; and (4) will have minimal aesthetic impact and significantly less aesthetic impact than the existing industrial uses on the Site; and be it further

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RESOLVED, the Town Board has evaluated traffic and transportation requirements and found that the Pilot Plant Components will have minimal requirements and adequate facilities because: (1) construction of the Pilot Plant Components will require minimal deliveries; (2) during operation, materials or supplies will not regularly be delivered to the Site; (3) during operation, the Pilot Plant Components will be intermittently staffed on a daily basis by approximately two employees; and be it further

RESOLVED, the Town Board has evaluated water supply, sanitary and drainage facilities and found that the Pilot Plant Components will have adequate facilities because: (1) the Pilot Plant Components will only withdraw water from the Hudson River and, thus, have no impact on the public water supply; and (2) the Pilot Plant Components will not generate any sanitary waste or waste water; and be it further

RESOLVED, the Town Board has evaluated the size, type and kind of buildings, uses and structures in the vicinity of the Site and the suitability of the proposed use and found that the Pilot Plant Components are a suitable use for the CR zoning district because: (1) the Site is currently used for commercial/industrial purposes and the Pilot Plant Components will not interfere with such operations; (2) the Pilot Plant Components will not impact the safety and convenience of persons likely to gather on the Site or impair market value of the Site given the current commercial/industrial usage in the area; (3) the Pilot Plant Components will have minimal or no impact on the Site or neighboring properties given their size (approximately 36 square feet), height (approximately six feet tall), and nature (small water pumps and transmissions lines to be used for data collection purposes, which is no more objectionable than any permitted use for the CR zoning district); and (4) the Pilot Plant Components will not impose a safety risk in light of the nature of their operation (pumping water) and full accessibility to fire and police protection; and be it further

RESOLVED, the Town Board has evaluated the general safety, health, peace, comfort and general welfare of the community-at-large and found that the Pilot Plant Components will have no adverse impact on the same because of the Components' nature (a small water pump and transmissions lines to be used for data collection purposes), size (small – approximately 36 square feet) and duration (temporary – 12 to 18 months). The above-ground Pilot Plant Components will be surrounded by a fence of appropriate height to prevent unauthorized persons from accessing the equipment. In addition, the Pilot Plant Components are no more objectionable than any other permitted use for the CR zoning district; and be it further

RESOLVED, the Town Board has evaluated (1) the location and size of the proposed Pilot Plant Components; (2) the nature and intensity of the operations involved; (3) the size of the Site in relation to the use of the Site and the location of the Site with respect to existing or future streets giving access to it, parks and drainage systems. Based on this evaluation, the Town Board has concluded that the proposed Pilot Plant Components will be in harmony with the Town Master Plan and Official Map; the Town Board has also found that the Pilot Plant Components do not require a zoning change or a use variance and may be authorized as a Special Permit Use. In addition, the Pilot Plant Components will have no impact on existing or future streets or drainage systems; and be it further

RESOLVED, the Town Board has evaluated whether the location, nature and height of buildings, wall and/or fences appurtenant to or used by the Pilot Plant Components would discourage the appropriate development and/or use of adjacent land, uses, structures and buildings or impair the value thereof. Based on this evaluation, the Town Board has concluded that the location of the Pilot Plant Components (commercial/industrial property in a CR zoning district and pre-existing utility right-of-ways), nature (small water pumps and transmission lines to be used for data collection purposes), height (approximately 6 feet tall), and fences would not discourage appropriate development and/or use of adjacent land, uses, structures and buildings or impair the value thereof; and be it further

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RESOLVED, the Town Board has evaluated whether the Pilot Plant Components will involve storage, care and/or service of motor vehicles and found that the Pilot Plant Components will not involve such activities; and be it further

RESOLVED, the Town Board has evaluated, pursuant to Section 167-14(B) of the Town Code, whether the Pilot Plant Components' operations will be more objectionable to nearby properties by reason of noise, fumes, vibration or lights than would be the operations of any use permitted by right. Based on this evaluation, the Town Board has concluded that the Pilot Plant Components would not be more objectionable than uses permitted by right (*i.e.*, marinas, camps, commercial recreation establishments [such as skating rinks, tennis clubs, bowling alleys, riding academies and swim clubs], public parks and playgrounds) because the Pilot Plant Components would produce less traffic, noise and light than many uses permitted as of right, are consistent with the current commercial/industrial nature of the Site, are small and temporary, and will not produce any fumes or vibration; and be it further

RESOLVED, the Town Board has evaluated the criteria set forth in Section 167-19 of the Town Code relative to a Special Permit Use for a public utility substation and found the following: (1) the Pilot Plant Components will serve the area of the Town and the immediately adjacent communities because they will be used in the gathering and collecting of data and information to assist in the design of the Full-Scale Facility, which will provide a public water source for United Water's customers, including customers located in the Town and the immediately adjacent communities; (2) the Pilot Plant Components meet the minimum lot and maximum building area criteria and set back requirements (United Water will require two variances from the Town Zoning Board of Appeals, both of which involve existing non-conforming conditions); and (3) the Pilot Plant Components will include adequate parking (two spaces); and be it further

RESOLVED, that to the extent that paragraph 4 of the July 14, 2008 letter from the Rockland County Planning Board is intended to indicate that the Town Board may approve the Special Permit Use application but that United Water may need to obtain certain permits or authorizations from the Town of Stony Point, the Town Board understands that it is not required to wait for the review or grant of any permits or authorizations by the Town of Stony Point in order to act on the Special Permit Use application for the Pilot Plant Components; and be it further

RESOLVED, that to the extent that paragraphs 1, 2 and 5 of the July 14, 2008 letter from the Rockland County Planning Board are intended to indicate that the Town Board may approve the Special Permit Use application but that United Water may need to obtain certain permits or authorizations from the County of Rockland Department of Highways, Rockland County Drainage Agency, and Rockland County Department of Health, the Town Board understands that it is not required to wait for the review of or the grant of any permits or authorizations by such county departments or agencies in order to act on the Special Permit Use application for the Pilot Plant Components; and be it further

RESOLVED, that United Water's request for a Special Permit Use for the Components of its Pilot Plant, which qualifies as a public utility substation, meets the requirements set forth in Sections 167-14 and 167-19 of the Town Code for a Special Permit Use; and be it further

RESOLVED, that the Town Board hereby grants United Water the requested Special Permit Use for the Pilot Plant Components; and be it further

RESOLVED, that the Town Board's grant of the Special Permit Use for the Pilot Plant Components is subject to United Water obtaining any other necessary permits and authorizations from appropriate federal, state, county, and other local agencies and boards.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby grants United Water a Special Permit Use for construction and operation of the Pilot Plant Components.



A five minute recess was taken.

**ADOPTION OF MINUTES**

**231-09** TOWN BOARD MEETING MINUTES OF JUNE 8, 2009 submitted by the Town Clerk on motion by Councilman Gould, seconded by Councilman Cancel, were unanimously adopted.

**PAYMENT OF BILLS**

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

**232-09** RESOLVED, that bills numbered 2,036 through and including 2,242 in the amount of \$1,267,199.07 and Highway Vouchers numbered 341 through and including 375 in the amount of \$12,743.80 audited at this meeting, be and they are hereby paid.

**ACCEPTANCE OF REPORTS**

No reports submitted.

**CHANGE OF TOWN BOARD MEETING DATES**

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

**233-09** RESOLVED, THAT THERE WILL BE ONLY ONE TOWN BOARD MEETING FOR THE MONTHS OF JULY AND AUGUST AND THE SCHEDULE IS AS FOLLOWS:

MONDAY, JULY 13, 2009 AT 8:00 P.M.  
MONDAY, AUGUST 17, 2009 AT 8:00 P.M.,

AND BE IT FURTHER

RESOLVED, THAT THE SECOND TOWN BOARD MEETINGS FOR JULY AND AUGUST HAVE BEEN CANCELLED.

**AGREEMENT WITH INDUSTRIAL & UTILITY VALUATION CONSULTANTS, INC.**

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

**234-09** RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN INDEPENDENT CONTRACT AGREEMENT WITH INDUSTRIAL & UTILITY VALUATION CONSULTANTS, INC. OF ALBANY, NEW YORK TO PROVIDE REAL PROPERTY EVALUATION AND TAXATION RESEARCH, ANALYSIS AND CONSULTATION AT A COST OF \$250.00 PER HOUR.

**APPLICATION FOR FIRE HYDRANTS**

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

**235-09** RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO SUBMIT AN "APPLICATION FOR FIRE A HYDRANT" TO UNITED WATER NEW YORK INC. FOR THE FOLLOWING FIVE (5) FIRE

**HYDRANTS:**

**HYDRANT #1 X11217 – LOCATED AT THE CORNER OF QUAKER AND CHESTNUT**

**HDRANT #2 X11218 – LOCATED AT THE CORNER OF QUAKER AND CAMPHILL**

**HYDRANT #3 X11219 – LOCATED IN FRONT OF #289 QUAKER ROAD**

**HYDRANT #4 X11220 – LOCATED IN FRONT OF #271 QUAKER ROAD**

**HYDRANT #5 X11221 – LOCATED AT THE CORNER OF QUAKER AND MAYER LANE**

**AUTHORIZATION TO BID NO. 9-2009 ALL TERRAIN SLOPE MOWER**

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

**236-09 RESOLVED, UPON THE RECOMMENDATION OF FRANK BROOKS, SUPERINTENDENT OF HIGHWAYS, 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 WEDNESDAY, JULY 8, 2009 FOR THE RECEIPT OF BID NO. 9 FOR ONE (1) 2009 ALL TERRAIN SLOPE MOWER, 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.**

**PUBLIC PARTICIPATION**

Martin Bagrosky, Oakwood Lane, Thiells thanked the Town for cleaning up the three houses with the tall grass that he complained about at the last Town Board Meeting. He noticed that the NYSDOT was at the Mt. Ivy and PIP bridge site.

Supervisor Phillips stated that there was some movement there and that he was trying to schedule a meeting with Parks & Recreation, Chief of Police and Superintendent of Highways.

Martin Bagrosky, Oakwood Lane, Thiells stated that the speed hump that was placed in front on his house is working efficiently. It's working well. People have approached me and asked how we can get one down toward the north end.

Supervisor Phillips stated that everyone said that people are going slower and we had some people complaining about them.

Martin Bagrosky, Oakwood Lane, Thiells stated that they are popular and are working.

Supervisor Phillips stated that we would really like to give this some time to see everyone's overall reaction. We may shave them down just slightly. We are waiting for feedback.

Martin Bagrosky, Oakwood Lane, Thiells stated that if you make them too pleasant it's probably not the best thing in the world to do. You want to make them a little irritating.

Mr. Bagrosky also inquired about the Foremost Shopping Center across from the Mobile on the Run located on Rt. 202. He asked if the Town could break through to Balsam Road as a

means of exiting the parking lot. Mr. Bagrosky stated that it is very difficult to get out onto Rte. 202 from the Foremost Shopping Center. This would bring in more business.

Supervisor Phillips stated that we could take a look at it.

Dan Ezratty, 12 Mountain View Drive, Thiells thanked the Board from the bottom of his heart for the speed humps. The speed humps have made a dramatic impact on my street. Cars and buses no longer fly up the street. It's not perfect but we don't have to burden the Police Department with calls. The speed humps are slowing them down significantly. It's really done wonders. I am sorry that I wasn't here for the last meeting. Those people probably don't live on the street. I am very happy and thrilled with them. Thank you!

Al Arlitz, 17 Hillside Drive, Thiells stated that he is opposed to the speed humps. Has anyone done a traffic study or sought some type of consultant for a traffic study? I don't think that this is the way because ten households are in favor of them.

Supervisor Phillips stated to give us a chance. We are waiting especially for the wintertime to see the results. They may work very well, but not with the plows. The Supervisor did not recall if anyone was appointed to do a traffic study.

Joe Forese, 10 Mt. View Drive stated that he has watched cars speed from Rosman Road and dramatically slow down and do 40-50 mph again before hitting the next speed hump. They speed up and then slow down. I don't think speed humps are the answer.

Supervisor Phillips stated that since the subdivision has gone in there are three more subdivisions that are utilizing Mountainview Drive that are cutting through to get on to Route 202. We are concerned with the safety of our residents. Some people will be deterred by the speed humps or won't care about their vehicles or anybody around them. We are going to try it to see if it works. 70% of the residents are for and 30% are against the speed humps.

Give us a chance and let us see. We need to do something. If this doesn't work we will just not abandon anything. We can use the traffic machine with a camera that issues tickets automatically to speeders and people will receive the ticket in the mail. When we had an officer sit there last year, approximately 200-300 tickets were issued to the people that live in that subdivision.

Martin Bagrosky, Oakwood Lane, Thiells stated that an incident will occur. Are we waiting for a child to get hit? Our problem maybe unique and it has nothing to do with what goes on in other Towns. I don't think that we need a consultant. Unless he is living on my street, he should be concerned about what is going on on his street.

Supervisor Phillips stated that everybody is entitled to come in and comment on the speed humps. The more public response we have the greater the project will become.

### **BOARD MEMBERS**

Councilman Soto stated that Mirant is asking for a 94% reduction in their assessment they paid too much for the plant. They run to the County every time they don't get things their way. Eminent Domain could be used by the Town if they received this type of reduction. We should also create an Advisory Committee to see what impact this will have on our taxpayers. Hardships and foreclosures are occurring and this is a crisis orchestrated by Mirant and we should look into it.

Dan Ezratty, 12 Mountain View Drive, Thiells stated that he agreed completely and thought that Mirant doesn't have the Town's interest and does not care about the community at all. We should just buy them out and get rid of them. I am sure there are other energy companies.

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GARNERVILLE, NY  
JUNE 22, 2009

Supervisor Phillips stated that he was quoted in the newspaper over a week ago saying that the Town has the ability to authorize Eminent Domain and if Mirant received this type of assessment reduction, I see no reason why we should continue to host these power plants that are sited on the most beautiful part of the Hudson river. If the Town condemns these power plants, we can turn the Bowline Pond into a marina and design a plan of resident retail such as restaurants and condos much like South Street Seaport. This would create a very beautiful community and attract tourism to Haverstraw. But we must move slowly and carefully to ensure the residents and taxpayers receive the greatest benefit.

Mirant is seeking a 94% decrease. This would remove almost a little bit more than \$11 million of school tax that Mirant pays. Even if they get a 50% reduction, it would mean a \$6 million loss to the School District.

Councilman Cancel stated that we should move forward with the buses to Albany.

Councilman Soto stated that a judge from out of state decided the fate of our residents.

Supervisor Phillips stated that if they go back into bankruptcy it will be heard in New York with a Federal judge.

Councilman Cancel stated that we had a nice deal going until two people opposed it in the Town of Stony Point referring to the Mirant deal.

#### **ANNOUNCEMENTS**

4<sup>TH</sup> of July Fireworks will be on Thursday, July 2<sup>nd</sup> at Bowline Point Park.

Bowline Point Park is open and the open air concerts will begin the Thursday after 4<sup>th</sup> of July weekend. The concerts will be held every Thursday evening at 7:30 pm until Labor Day weekend.

#### **ADJOURNMENT**

**237-09** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Laura Suarez, Howarth V.S. Mccaulay, Stephen Matthew Duffy, Ramon Maysonet, Mary Sullivan, Gilfor Lazo Dumlao, Ralph H. Petrichko, 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 the Town Board Meeting was adjourned.

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**JOSEPHINE E. CARELLA**  
Town Clerk