

TOWN BOARD  
GARNERVILLE, NY  
JUNE 8, 2009

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, June 8, 2009 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**

**208-09** TOWN BOARD MEETING MINUTES OF MAY 26, 2009 submitted by the Town Clerk on motion by Councilman Gamboli, seconded by Councilman Soto, were unanimously adopted.

**PAYMENT OF BILLS**

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

**209-09** RESOLVED, that bills numbered 1,844 through and including 2,035 in the amount of \$342,360.38 and Highway Vouchers numbered 321 through and including 340 in the amount of \$26,456.56 audited at this meeting, be and they are hereby paid.

**ACCEPTANCE OF REPORTS**

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

**210-09** RESOLVED THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF APRIL 2009.

Steve Silverberg, Planning Attorney stated that this resolution was prepared by Bill Stein, Counsel to JRSB before he went away. Mr. Stein discovered that the language in the agreements that created the JRSB in the Village were not as clear as they should be to own property. He felt it be best to clarify the language before there is an issue. The resolution is for the three Villages: Pomona, West Haverstraw and Haverstraw.

**AMENDMENT OF JOINT SEWERAGE AGREEMENT**

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

**211-09** WHEREAS, on or about July 14, 1967, the Town of Haverstraw and the Village of West Haverstraw, pursuant to Section 119-o of Article 5G of the New York State General Municipal Law, entered into a Joint Sewerage Agreement that provided for the construction, operation, and maintenance of joint interceptor sewers and sewage treatment disposal facilities under the administration of a Joint Regional Sewerage Board ("Board");

WHEREAS Section 119-o of Article 5G of the New York State General Municipal Law states in relevant part:

“. . . municipal corporations and districts shall have power to . . . amend . . . agreements for the performance among themselves or

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one for the other of their respective functions, powers and duties on a cooperative basis or for the provision of a joint service or a joint water, sewage or drainage project.”

WHEREAS Section XVII of the Joint Sewerage Agreement states:

“This agreement may be modified or amended by a resolution which shall be adopted by both of the parties hereto by a vote of three-quarter of each of their respective legislative bodies, unless the statute empowering this agreement shall have been amended at the time such modification or amendment is to be effective, by such lesser votes as the statute shall then permit.”

WHEREAS the statute empowering the Town of Haverstraw and the Village of West Haverstraw to enter into the Joint Sewerage Agreement – Section 119-o of Article 5G of the New York State General Municipal Law – was amended in 1971 to allow amendment or modification of inter-municipal agreements such as the Joint Sewerage Agreement “by a majority vote of the voting strength of the governing body” of each participating municipality;

WHEREAS, on or about February 16, 1973, pursuant to Section XVII of the Joint Sewerage Agreement, the Town of Haverstraw, the Village of West Haverstraw, and the Village of Haverstraw (collectively, the “Parties”) enacted a Joint Sewerage Resolution that stated, among other things, that the Joint Sewerage Agreement “shall in all respects be binding on the Village of Haverstraw,” and which established the Village of Haverstraw as “a full participating member of the Joint Regional Sewerage Board;”

WHEREAS the purpose of this Sewerage Resolution is to clarify by amendment in accordance with Section 119-o of Article 5G of the New York State General Municipal Law and Section XVII of the Joint Sewerage Agreement certain provisions of the Joint Sewerage Agreement;

WHEREAS the amendment of the Joint Sewerage Agreement by this Sewerage Resolution is a Type II action under the New York State Environmental Quality Review Act and 6 NYCRR § 617.5(c)(20) because it involves “routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;” now, therefore, be it:

NOW, THEREFORE, it is mutually and jointly resolved by the Parties as follows:

1. RESOLVED, that Section III of the Joint Sewerage Agreement, entitled “Real and Personal Property,” is amended to read as follows:

“Title to all real property and improvements thereon, including sewage treatment plant sites and the rights of way for trunk lines, pumping stations, and all property real and personal of any nature whatsoever shall vest in the Board, or in the Parties hereto as joint tenants in the same proportion as the full valuation of the real estate, subject to taxation and benefited by sewers in the area of each party, bears to the full valuation of all the real estate subject to taxation and benefited by sewers in said municipalities.”

and be it further

2. RESOLVED, that Section VIII of the Joint Sewerage Agreement, sub-section 3, is amended to read as follows:

“To purchase, lease, or otherwise acquire all necessary supplies, equipment, real and personal property, and make all contracts that

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in the judgment of the Board are beneficial or necessary for the proper design, construction, operation, maintenance, or economic well-being of the sewer system subject to the applicable general laws.”

and be it further

3. RESOLVED, that Section VIII of the Joint Sewerage Agreement, sub-section 4, is amended to read as follows:

“To acquire, own, possess, take custody of, operate, maintain, sell, lease, or grant interests in any real or personal property involved in the joint sewer system and to keep the same in good order and repair.”

and be it further

4. RESOLVED, that even if ostensibly unauthorized under the Joint Sewerage Agreement or any previous amendment thereto, all prior acts of the Board – including entry into contracts for purchase of real or personal property or the conveyance of any interest in real or personal property – consistent with the authority granted to the Board pursuant to this Sewerage Resolution are hereby ratified by the Town of Haverstraw; and be it further

5. RESOLVED, that this Sewerage Resolution is subject to a permissive referendum. This Sewerage Resolution will become effective 30 days after its adoption or at the conclusion of a permissive referendum process undertaken pursuant to New York State Town Law §§ 90 and 91; and be it further

6. RESOLVED, that the amendments to the Joint Sewerage Agreement stated in paragraphs 1, 2 and 3 of this Sewerage Resolution will become effective when this Sewerage Resolution becomes effective and the Boards of Trustees of the Village of West Haverstraw and the Village of Haverstraw each pass, by a majority vote, Sewerage Resolutions adopting amendments to the Joint Sewerage Agreement identical to those stated in paragraphs 1, 2 and 3 of this Sewerage Resolution; and be it further

7. RESOLVED, that once effective, the amendments to the Joint Sewerage Agreement stated in paragraphs 1, 2 and 3 of this Sewerage Resolution shall in all respects be binding on each of the Parties.

**AMENDMENT OF RESOLUTION NO. 185-09**

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

**212-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, HEREBY AMENDS RESOLUTION NO. 185-09 TO CHANGE TO AWARD OF RFP NO. 08-2009 TO AWARD OF RFP NO. 07-2009.**

**AMENDMENT OF RESOLUTION NO. 206-09**

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

**213-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, HEREBY AMENDS RESOLUTION NO. 206-09 TO CHANGE THE AWARD OF BID NO. 09-2009 TO AWARD OF RFP NO. 08-2009.**

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**COMPLETION OF CAPITAL PROJECT – CAPTAIN SHANKEY DRAINAGE**

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

**214-09 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF JOSEPH CORLESS, PE FOR THE VILLAGE OF WEST HAVERSTRAW, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CLOSE THE CAPITAL PROJECT FOR THE CAPTAIN SHANKEY DRAINAGE, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE MICHAEL GAMBOLI, DIRECTOR OF FINANCE, TO TRANSFER THE REMAINING FUNDS FROM THE CAPTAIN SHANKEY DRAINAGE PROJECT IN THE AMOUNT OF \$144,305.33 TO THE GENERAL FUND, AND BE IT FURTHER**

**RESOLVED, THAT THIS CAPITAL PROJECT WAS BUDGETED IN THE AMOUNT OF \$600,000.00. OF WHICH \$455,694.67 WAS EXPENDED TO COMPLETE THE ABOVE MENTIONED PROJECT.**

**COMPLETION OF CAPITAL PROJECT – AMERICAN LEGION WAY BRIDGE**

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

**215-09 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF JOSEPH CARUSO, PE OF MASER CONSULTANTS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CLOSE THE CAPITAL PROJECT FOR THE AMERICAN LEGION WAY BRIDGE, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE MICHAEL GAMBOLI, DIRECTOR OF FINANCE, TO TRANSFER THE REMAINING FUNDS FROM THE AMERICAN LEGION WAY BRIDGE PROJECT IN THE AMOUNT OF \$37,977.66 TO THE GENERAL FUND, AND BE IT FURTHER**

**RESOLVED, THAT THIS CAPITAL PROJECT WAS BUDGETED IN THE AMOUNT OF \$450,000.00. OF WHICH \$412,022.34 WAS EXPENDED TO COMPLETE THE ABOVE MENTIONED PROJECT.**

**DESIGNATION OF OFFICIAL DEPOSITORY**

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

**216-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO DESIGNATE GREATER HUDSON BANK OF BARDONIA, NEW YORK AS AN ADDITIONAL DESIGNATION OF OFFICIAL DEPOSITORY FOR THE TOWN OF HAVERSTRAW.**

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**SCHEDULE PUBLIC HEARING - TO SET 2009 BOWLINE POINT PARK SEASON  
RATES AT THE TOWN OF HAVERSTRAW'S**

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

**217-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY SCHEDULE A PUBLIC HEARING TO SET THE 2009 BOWLINE POINT PARK SEASON RATES AT THE TOWN OF HAVERSTRAW. SAID PUBLIC HEARING WILL BE HELD ON MONDAY, JUNE 22, 2009 AT 8:00 P.M. AT THE TOWN HALL, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN CLERK SHALL PUBLISH SAID NOTICE AND ALL PERSONS ARE INVITED TO ATTEND AND WILL BE HEARD BY THE BOARD.**

**AUTHORIZATION TO PURCHASE ONE (1) BOBCAT SKID-STEER LOADER  
FROM NEW YORK STATE CONTRACT #PC73732**

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

**218-08 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE SUPERINTENDENT OF HIGHWAYS, FRANK BROOKS TO PURCHASE ONE (1) S220 BOBCAT SKID-STEER LOADER UNDER STATE BID #PC73732 AT A TOTAL COST OF \$42,195.00 FROM MIDHUDSON BOBCAT OF NEWBURGH, NEW YORK.**

**AWARD OF RFP NO. 8 -2009 -PURCHASE OF ONE (1) NEW GRAVELY PRO  
WALK MOWER**

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

**219-09 RESOLVED, THAT THREE (3) REQUEST FOR PROPOSALS WERE SUBMITTED TO MICHAEL COTIER, DIRECTOR OF PARKS FOR THE PURCHASE OF ONE (1) NEW GRAVELY PRO WALK 52" HYDRO DRIVE MOWER FOR USE AT BOWLINE POINT PARK, LOCATED IN THE TOWN OF HAVERSTRAW, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE RFP TO HAVERSTRAW MOTORSPORTS OF HAVERSTRAW, NEW YORK THE LOWEST PROPOSAL, AT A COST OF \$4,499.00.**

**PRESENTATION OF YOUTH BOARD CHECK TO DANIEL BITTS**

Supervisor Phillips and the Town Board Members congratulated Daniel Bitts on receiving the Youth Board Scholarship check. Supervisor stated that Daniel has participated in chaperoning on trips to New York City, Great Adventure, etc. and has attended the Youth Board's monthly meetings. Congratulations on behalf of the Town Board and the people of Haverstraw. Good luck and best wishes in your career.

**ADJOURNMENT OF REGULAR TOWN BOARD MEETING**

**220-09** A motion was made by Councilman Cancel, seconded by Councilman Gould to adjourn the Regular Town Board Meeting.

**CONVENE TO A MEETING OF THE SANITATION COMMISSION**

**221-09** A motion was made by Commissioner Soto, seconded by Commissioner Gamboli to convene to a Meeting of the Sanitation Commission.

The Town Board of the Town of Haverstraw met at a Meeting of The Sanitation Commission of the Town of Haverstraw on Monday, June 8, 2009 at 8:30 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:

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

**APPROVAL OF LICENSE FOR GARBAGE REMOVAL FOR COUNTYWIDE  
CARTING, LTD.**

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

**222-09 RESOLVED, THAT THE SANITATION COMMISSION OF THE TOWN OF HAVERSTRAW HEREBY APPROVES THE APPLICATION FOR A LICENSE FOR CARLO MINUTO CARTING CO., INC. OF WEST NYACK, NEW YORK TO EXPIRE ON DECEMBER 31, 2009.**

**ADJOURNMENT OF THE SANITATION COMMISSION MEETING**

**223-09** On motion by Commissioner Gould, seconded by Commissioner Gamboli, unanimously adopted, the Sanitation Meeting was adjourned.

**224-09 RECONVENE TO REGULAR TOWN BOARD MEETING**

On motion by Councilman Soto, seconded by Councilman Cancel the Regular Town Board Meeting was reconvened.

**PUBLIC PARTICIPATION**

Supervisor Phillips stated that it was quite a weekend. Yesterday the Puerto Rican Day Parade was held in the Village of Haverstraw and it was their 15<sup>th</sup> anniversary. I would like to compliment the Puerto Rican Day Parade Committee. Councilmen Soto and Cancel did an excellent job coordinating the day's events. The Supervisor also complimented the Police Department who did a wonderful job. Many people attended this event and they were enjoying themselves. Our Parks Department assisted as well.

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The Town also hosted the Anniversary of the Quadricentennial of Henry Hudson coming up the Hudson River. Three tall ships were docked at the Haverstraw Marina. Over 5,000 people were at the Marina. The committee needs to be complimented. The West Point Jazz Knights performed.

GAGA, the Garnerville Arts Alliance hosted an exhibit of the Dutch Explorers which was well attended over the weekend.

The Haverstraw Arts Alliance, located in the Village of Haverstraw hosted various activities.

We have received many compliments regarding the Town golf course and a number of golf outings have been scheduled for the upcoming summer months.

June is a very active month, which leads into our 4<sup>th</sup> of July celebration at Bowline Point Park, and our Thursday night open-air concerts. This weekend (June 12, 13 & 14) at Pecks Pond, the Italian Festival commences. The festival is held to raise money for the Columbus Day Parade.

Hopefully, the Town will be receiving a State grant for improvements at Cheesecote Mountain Park. We hope to purchase new docks for Bowline Pond. The Town is doing this at no cost to the local tax payers.

### **PUBLIC PARTICIPATION**

Barry Burman, 19 Turner Drive, Garnerville asked why the Haverstraw Police Dept. cannot seize the homes that have major problems particularly on 5 Broadway. The Town seized a couple of homes before. Things have gotten so bad in the Village. The landlords are not doing the right thing. We need to take the buildings and take them to court.

Supervisor Phillips stated that 5 Broadway has been a problem. The landlord continues to rent to these people. These people are not teenagers. They are young men and women hanging out. To seize property it takes a long time and evidence. 99% of the time it is drug related. You have to prove that the landlord has knowledge of the problem and then go to court. We have yet to find any drug activity.

The Village of Haverstraw needs to take away certain types of businesses in the Village, such as the dancing in the bars and bringing women up from New York City every week. We are asking the Village to pass legislation to take away these activities. The Village has to do it. We have been reporting them to the New York State Liquor Board.

Charles Miller, Chief of Police stated that Mayors and landlords need to go over all of these issues.

Supervisor Phillips stated that we need the Village to step up. However, if they aren't breaking the law there's really nothing we can do. But it will keep the residents from going to different stores and it will hurt the businesses. We asked the Village to change the law for bars to close at 2:00 am not 4:00 am. It's a State law and it cannot be changed. The Village cannot suspend a State law.

Councilman Cancel stated that it's people from Spring Valley and Section 8 that are coming to the Village.

Carl Waxman, 1 Valley Ct., Thiells stated that he is very dissatisfied with the speed humps in the neighborhood.

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Supervisor Phillips stated that we have received a number of complaints, but there are more people that want them. Residents on Dunnigan and Martino Way and throughout the Town are asking for them. We sent a letter to the residents on Mountainview and no one complained. Numerous residents complained a couple of months ago at a Town Board meeting that they wanted help with speeding issues. We had mothers and fathers at the meeting up in arms about the speeding. Over 200 speeding tickets have been issued in the neighborhood. The biggest problem that the Town is facing is that we cannot reduce the speed limit because the State declined our request to reduce it to 25 mph. There is no way people should be traveling at a high speed in a subdivision. The three speed humps have been placed on Mountainview on a trial basis.

Carl Waxman, 1 Valley Ct., Thiells asked how these speed humps will be efficient in the winter time with ice and snow.

Supervisor Phillips stated that we asked that question and Superintendent of Highways, Frank Brooks felt confident that his staff could take care of the snow removal. If it doesn't work out, we will try something else.

Carl Waxman, 1 Valley Ct., Thiells, stated that it will take a lot of maintenance and the speed humps could create an accident. After all of these years, has anybody ever been killed? After the people ride over the hump they speed up again and resume their normal speed.

Supervisor Phillips stated that we have had police officers sitting up there and a speed indicator machine to deter speeding. Maybe we should try to get a speed indicator that takes pictures of the license plates. We have to do something in order to try to slow them down. The irony is that the people who are speeding live in the subdivision. We have spoken to other communities such as Nyack and they rave about them.

The Town will not go out and spend \$5,600 a piece on the rubberized speed humps and another \$400-500 for signs and painting. The ones we installed are blacktop and if they need to be shaved down we can do that. At least let us try something.

Skyline Drive, Thiells stated that the only way to get up the hill during ice and snow is you have to speed. It's a safety issue.

Frank Brooks, Superintendent of Highways stated that the roads will be salted and plowed heavily.

Supervisor Phillips stated to give us a chance. Mr. Brooks is going to pay more attention now to Mountainview.

Frank Brooks, Superintendent of Highways stated that Mountainview will be pretreated with a salt brine application. The brine will stay on the hill and not go down the drain. It does not run off because it is not a heavy liquid. The salt brine stays put and seeps into the cracks and crevices of the blacktop.

Herb Tieman, 31 Riverglen Drive, Thiells stated that he didn't see any letter and nobody notified him.

Supervisor Phillips stated that you have a very good point. We did go over to Riverglen and Hillside. If we do decide to do those streets, we would naturally send a letter. Since we were doing Mountainview we sent them a letter. Mountainview is the major access road.

Carl Waxman, 1 Valley Ct., Thiells asked when the Town is doing the repavement.

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Supervisor Phillips stated that the Town will be securing a grant for \$500,000 for repaving. Frank Brooks will submit a list of the streets in need of repaving. We also set aside monies in the Town budget for this work.

Frank Brooks, Superintendent of Highways stated that the roads will be milled down and then a resurface will be done.

Supervisor Phillips stated that there are a number of roads we are trying to put on the list.

Al Arlitz, 17 Hillside Drive, Thiells asked why the Town Board Meetings are not in the Journal News under the Civic Calendar.

Supervisor Phillips stated that he didn't know why it wasn't published in the paper and that at the Re-organization Meeting, the Town states when the meetings are scheduled.

Al Arlitz, 17 Hillside Drive, Thiells asked if a traffic study was done by the Rockland County Traffic Safety Board to locate and remedy traffic problems. Speed humps are not the answer on Mountainview. Mr. Arlitz also wanted to know if the Town had a Traffic & Traffic Fire Safety Advisory Board. He is concerned about efficient snow removal and traveling up and down the hill, about the traffic trying to avoid the speed humps, concerned about the noise and pollution and concerned about the lack of input by the Ambulance and Fire Departments. No speed studies were done and he respectfully requests their immediate removal.

Supervisor Phillips stated that the road is very narrow and that still didn't stop the people from speeding until the speed humps were installed.

Al Arlitz, 17 Hillside Drive, Thiells stated that there should be a thorough investigation concerning the engineering of the speed humps.

Supervisor Phillips stated that if we increase the signs for speeding we would have to increase the signs for stop signs. Absolutely, the stop signs were put up to reduce the speeding. Let us take everything into consideration. We are always concerned about the safety of our residents. Give us a chance to take in what everybody has said. We have been getting so many complaints about speeding, ATVs and motorcycles. We appreciate your input. Let us see what we can come up with.

Carl Waxman, 1 Valley Ct., Thiells asked if we wanted the speed limit changed to 15 mph.

Supervisor Phillips stated that we would like to change it to 25 mph; 30 mph is too fast. The State won't allow us to reduce it unless we are in close proximity to schools.

Councilman Gould thanked everyone for their time and effort that they put into this tonight. We do appreciate it. Some of the Board Members thought that there wasn't going to be two sides to this. I think that proved true tonight. I think we would have the same results if we tried them in different areas. Al brought up a good point for the Board to reconsider to establish a safety board. We should meet with some of the representatives from Orangetown and maybe we should move forward with doing a little bit more research and expanding the scope.

Councilman Cancel thanked the Town Board, Police Department and Michael Cotier and his staff for their assistance at the Puerto Rican Day Parade. Everything went well.

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**ADJOURNMENT**

**225-09** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Rocco Licari, Raymond L. Ciarcia, Walter J. Cronin, Juan Rodriguez, James McNicholas, Rodney Eric Harding and Victoria Quinones, 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 Cancel the Town Board Meeting was adjourned.

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**JOSEPHINE E. CARELLA**  
Town Clerk