

TOWN BOARD  
GARNERVILLE, NY  
MARCH 28, 2011

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, March 28, 2011 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**

**156-11 TOWN BOARD MEETING MINUTES OF MARCH 14, 2011** submitted by the Town Clerk on motion by Councilman Gamboli, seconded by Councilman Gould, were unanimously adopted.

**PAYMENT OF BILLS**

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

**157-11 RESOLVED**, that bills numbered 816 through and including 956 in the amount of \$581,473.48 be and they are hereby paid. There were no Highway Vouchers audited at this meeting.

**ACCEPTANCE OF REPORTS**

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

**158-11 RESOLVED THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF JANUARY 2011.**

**AMEND RESOLUTION NO. 146-11 ENTITLED, "AWARD OF BID NO. 3 -2011 FOR CHEMICALS, FERTILIZER AND GRASS SEED FOR THE PHILIP J. ROTELLA GOLF COURSE"**

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

**159-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AMENDS RESOLUTION NO. 146-11 FOR AWARD OF BID NO. 3-2011 FOR CHEMICALS, FERTILIZER AND GRASS SEED FOR THE PHILIP J. ROTELLA GOLF COURSE TO READ AS FOLLOWS:**

<b><u>METRO</u></b>	<b>FERROMECC AC</b>	<b>\$1,519.50</b>
	<b>QUALI PRO</b>	<b>\$1,980.00</b>
	<b>CHIPCO GT</b>	<b>\$5,862.50</b>
	<b>FWY. FERT.</b>	<b>\$5,500.00</b>
	<b>QUALI PHITE</b>	<b>\$1,496.50</b>
	<b>TARTAN</b>	<b>\$11,882.50</b>
	<b>PROVAUNT</b>	<b>\$2,952.25</b>
<b><u>MATRIX</u></b>	<b>DIMENSION 2EW</b>	<b>\$3,132.00</b>

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<u>TERRE CO. INC.</u>	SEED	\$14,700.00
	HEADWAY	\$8,000.00
<u>HARRELLS</u>	INSTRATA	\$6,750.00
	ACELEPRYN	\$10,560.00
<u>JAMES CARRIERE &amp; SONS</u>	BUNKER SAND	\$35.50/YD

**CONVEYING THE INTENT OF THE TOWN OF HAVERSTRAW TO EXPRESS  
CONDOLENCES TO, AND SUPPORT FOR THE FAMILY OF PAULA  
BOHOVESKY, WHO WAS BRUTALLY RAPED AND MURDERED THIRTY  
YEARS AGO, AS PAULA'S FAMILY ASKS THE NEW YORK STATE PAROLE  
BOARD NOT TO RELEASE HER KILLERS**

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

**160-11 WHEREAS, THE HAVERSTRAW TOWN BOARD WISHES TO EXPRESS ITS CONTINUING CONDOLENCES TO, AND SUPPORT FOR, THE FAMILY OF PAULA BOHOVESKY, WHO WAS BRUTALLY RAPED AND MURDERED THIRTY YEARS AGO, AS PAULA'S FAMILY ASKS THE NEW YORK STATE PAROLE BOARD NOT TO RELEASE HER KILLERS; AND**

**WHEREAS, IN 1980, PAULA BOHOVESKY WAS A TALENTED ARTIST, AN ASPIRING ACTRESS AND A WELL-REGARDED MEMBER OF THE JUNIOR CLASS AT PEARL RIVER HIGH SCHOOL; AND**

**WHEREAS, THIS YOUNG WOMAN, BURGEONING WITH ENERGY AND A ZEST FOR LIFE, WAS TRAGICALLY AND SENSELESSLY MURDERED JUST TWO BLOCKS FROM HER HOME; AND**

**WHEREAS, THE TWO YOUNG MEN WHO COMMITTED THIS HEINOUS CRIME AFTER A DAY SPENT DRINKING IN A LOCAL BAR RECEIVED THE MAXIMUM PENALTY FOR MURDER THAN ALLOWED IN NEW YORK STATE, TWENTY-FIVE YEARS TO LIFE IN PRISON; AND**

**WHEREAS, PAULA'S FAMILY AND FRIENDS, AS WELL AS THOSE LIVING IN ROCKLAND COUNTY AT THE TIME, CAN STILL RECALL THE HORROR OF THAT DAY; AND**

**WHEREAS, PAULA'S MOTHER, LOIS BOHOVESKY, MUST AGAIN RELIVE THAT DAY AS SHE FIGHTS TO KEEP PAULA'S KILLERS IN JAIL BY ASKING THE PAROLE BOARD NOT TO AUTHORIZE THE MEN'S RELEASE, A TASK THAT SHE WILL HAVE TO OFTEN UNDERTAKE BECAUSE STATE LAW ALLOWS INMATES SEEKING PAROLE TO REAPPLY EVERY TWO YEARS; AND**

**WHEREAS, THE MURDERERS OF PAULA BOHOVESKY ARE AGAIN ELIGIBLE FOR PAROLE AND ARE SEEKING RELEASE FROM PRISON; AND**

**WHEREAS, THE HAVERSTRAW TOWN BOARD HAS MET, CONSIDERED AND BY A UNANIMOUS VOTE APPROVED THIS RESOLUTION; NOW THEREFORE, BE IT**

**RESOLVED, THAT THE TOWN BOARD WISHES TO EXPRESS ITS CONTINUING CONDOLENCES TO, AND SUPPORT FOR THE FAMILY OF PAULA**

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**BOHOVESKY, WHO WAS BRUTALLY RAPED AND MURDERED THIRTY YEARS AGO, AS PAULA'S FAMILY ASKS THE NEW YORK STATE PAROLE BOARD NOT TO RELEASE HER KILLERS.**

**DENIAL OF HIGHWAY GRIEVANCE DATED 2/24/2011**

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

**161-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY DENY THE HIGHWAY GRIEVANCE DATED 2/24/2011, PURSUANT TO ARTICLES IV AND VI SECTION 3 PAGES 3-5.**

**APPROVAL OF CONTRACT WITH GREATER HAVERSTRAW CHAMBER OF COMMERCE**

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

**162-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY APPROVES A CONTRACT WITH THE GREATER HAVERSTRAW CHAMBER OF COMMERCE IN THE AMOUNT OF \$5,000.00.**

**ACCEPTANCE OF LETTER OF RETIREMENT – POLICE OFFICER REBECCA RUIZ**

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

**163-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HERE BY ACCEPT A LETTER OF RETIREMENT FOR POLICE OFFICER REBECCA RUIZ, FOR THE TOWN OF HAVERSTRAW POLICE DEPARTMENT, EFFECTIVE, APRIL 17, 2011.**

**AWARD OF RFP NO. 2-2011 – WOODCHUCK TRAPPING AT SANITARY LANDFILL**

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

**164-11 RESOLVED, THAT ONE (1) RFP WAS SUBMITTED TO MICHAEL COTIER, PARK DIRECTOR, TO PROVIDE WOODCHUCK TRAPPING AT THE TOWN OF HAVERSTRAW SANITARY LANDFILL, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAVERSTRAW DOES HEREBY AWARD RFP NO. 2-2011 TO NUISANCE WILDLIFE CONTROL AGENT, OF WEST NYACK, NEW YORK FOR WOODCHUCK TRAPPING AND REMOVAL AT THE SANITARY LANDFILL AT A PRICE OF \$475.00 AS THE INITIAL SETUP AND \$105.00 PER WOODCHUCK CAUGHT.**

**AUTHORIZATION TO DRAW DOWN LETTER OF CREDIT FOR DESIMONE-SOTTOVIA SUBDIVISION**

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

**165-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO EXECUTE A CERTIFICATE SIGHT DRAFT AND ANY AND ALL NECESSARY DOCUMENTS TO**

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**DRAW DOWN THE LETTER OF CREDIT NUMBER S903355 WITH CITIZENS BANK, N.A. IN THE NAMES OF TINDARO MONDELLO, PAULO DESIMONE AND PETER DESIMONE IN THE AMOUNT OF \$225,000.**

Supervisor Phillips stated that he wanted the public to know that the Sottovia family has not been connected to this subdivision for the past two years.

**AWARD OF BID NO. 5-2011- PURCHASE OF GREENS TOP DRESSING FOR THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE**

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

**166-11 RESOLVED, UPON THE RECOMMENDATION OF CAL FOWX, GREENSKEEPER, AND THE BIDS HAVING BEEN FOUND IN ORDER BY THE TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE BID FOR THE PROVISIONS OF GREENS TOP DRESSING FOR THE 2011 GOLF SEASON AT THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE TO CUSTOM GOLF MATERIALS, THE LOW BIDDER, OF OLD BETHPAGE, NEW YORK, AT A PRICE OF \$71.00 PER CUBIC YARD.**

**AGREEMENT WITH ROBERT SOMMERS D/B/A DRIVEWAY DOCTOR AND THE TOWN OF HAVERSTRAW**

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

**167-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ROBERT SOMMERS, D/B/A DRIVEWAY DOCTOR OF PEARL RIVER, NEW YORK TO APPROVE EXTRA WORK PERFORMED IN REGARD TO THE 2010 BELGIAN BLOCK CURB IMPROVEMENTS IN THE UNINCORPORATED AREA IN THE TOWN OF HAVERSTRAW IN THE ADDITIONAL SUM OF \$6,500., AND BE IT FURTHER**

**RESOLVED, THAT THE SUPERVISOR IS ALSO HEREBY AUTHORIZED TO ENTER AN AGREEMENT WITH ROBERT SOMMERS TO ADJUST THE FINAL BALANCE DUE UNDER THE CONTRACT, PROVIDING FOR A FINAL PAYMENT OF \$14,706.00, WHICH INCLUDES RETURN OF RETAINAGE OF \$6,536.00 AND A FINAL PAYMENT OF \$8,170.00.**

**RESCIND RESOLUTION NO. 92-11 ENTITLED, "DESIGNATE 2 BOWLINE POINT ROAD AS THE NEW ADDRESS FOR BOWLINE POINT PARK"**

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

**168-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY RESCINDS RESOLUTION NO. 92-11 AS IT WAS UNNECESSARY.**

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**ACCEPTANCE OF DEDICATION OF ROADS, IMPROVEMENTS AND EASEMENTS  
AND RELEASE OF BOND FOR CALL HOLLOW HOMES**

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

**169-11 WHEREAS, THE TOWN OF HAVERSTRAW PLANNING BOARD GRANTED FINAL SUBDIVISION APPROVAL FOR THE RESIDENTIAL SUBDIVISION PLAT ENTITLED CALL HOLLOW HOMES, AND**

**WHEREAS, THE DEVELOPER AND OWNER, CALL HOLLOW DEVELOPERS, INC. ISSUED A PERFORMANCE BOND AS A GUARANTEE IT WOULD COMPLETE THE IMPROVEMENTS IN THE SUBDIVISION, AND**

**WHEREAS, THE IMPROVEMENTS IN THE SUBDIVISION HAVE BEEN COMPLETED.**

**NOW, THEREFORE, BE IT RESOLVED, THAT BASED UPON THE RECOMMENDATION OF THE OFFICE OF THE TOWN ATTORNEY, CONSULTING ENGINEER PATRICK BRADY, AND SUPERINTENDENT OF HIGHWAYS, FRANK BROOKS, THAT THE FOLLOWING ARE HEREBY ACCEPTED FOR DEDICATION PURSUANT TO THE APPROVED SUBDIVISION PLAT:**

- 1) THE STREET KNOWN AS ANTHONY J. MORINA DRIVE;**
- 2) TAX LOT 19.10-1-3.8, FOR USE AS A DETENTION POND; AND**
- 3) TAX LOT 19.10-1-3.20, FOR USE AS A SEWER PUMP STATION,**

**AND BE IT FURTHER,**

**RESOLVED, THAT THE FOLLOWING EASEMENTS ARE HEREBY ACCEPTED:**

- 1) A 5 FOOT WIDE SHADE TREE EASEMENT THAT IS SHOWN ON THE MAP AND THAT RUNS PARALLEL AND ADJACENT TO ANTHONY J. MORINA DRIVE AND CALL HOLLOW ROAD.**
- 2) DRAINAGE EASEMENTS ALONG THE SIDE LINES OF LOTS, 3,4,5,9, 10 AND 15 AS SHOWN ON THE MAP.**
- 3) A 20 FOOT WIDE SEWER EASEMENT ON LOT 17 THAT IS SHOWN ON THE MAP.**
- 4) AN EASEMENT FOR A SEWER PUMPING STATION SHOWN ON DRAWING NO. 10 THAT WAS AFFIXED TO THE SUBDIVISION MAP AND WHICH SAID EASEMENT IS SITUATE ON TAX LOT 19.11-1.1.2., AND**

**BE IT FURTHER RESOLVED, THAT THE PERFORMANCE BOND WHICH IS NOW SECURED BY THE PROVIDENT BANK LETTER OF CREDIT NO. 2199 DATED 11/6/2009 IN THE REDUCED AMOUNT OF \$450,000.00, IS HEREBY RELEASED AND MAY BE RETURNED TO THE DEVELOPER.**

**MARY ELLEN PESCI & BARRY DAIN SPOKE ABOUT BRAIN INJURY  
AWARENESS MONTH**

Mary Ellen Pesci, a Traumatic Brain Injury (TBI) survivor, spoke at the Town Board Meeting to promote the month of March as brain injury awareness month. Ms. Pesci spoke about her experience that occurred more than 18 years ago that left her with a brain injury. This year's focus is on concussions in sports and knowing what the warning signs are. Coaches need to pay special attention to a player who has been hit in the head and to look for the signs and symptoms of a concussion. Know your concussion "ABCs" – Assess the situation; Be alert and Contact a health care professional. Ms. Pesci informed the public of the causes of brain injury, the impact on their families and ways of prevention - such as wearing helmets when bike riding. Mary Ellen works at Haverstraw Middle

**School. Ms. Pesci left material out in the lobby regarding concussion signs and symptoms. Barry Dain, a representative from Helen Hayes Hospital, who is a member of the Brain Injury Association, accompanied Ms. Pesci.**

Mr. Drexler and Gene Barnum from the Knights of Columbus, presented Supervisor Howard Phillips with a plaque for purchasing new tables and chairs for the senior citizens. Mr. Drexler stated that the old chairs and tables were in bad shape and we really needed new ones.

### **PUBLIC PARTICIPATION**

Wilbur Aldridge, 6 Campbell Ct., West Haverstraw stated that the Town has been very cooperative in all these years with the NAACP but this has nothing to do with your cooperation or our relationship. However, I want to speak about religious freedom and what good is it if there is going to be disruption to the service of our three Protestant churches from the parades that you are supporting. We do not have the power to change it, but you have the power not to support it financially. By doing so, you are condoning this particular activity. We were informed that the parade will reach the two protestant churches at around 12:15pm-12:30 pm., which will be disruptive to the services. We are hoping to compromise and it is not acceptable starting a parade at 12:00 pm.

Supervisor Phillips asked if they started the parade at 1:00 pm would that be beneficial.

Wilbur Aldridge, 6 Campbell Ct., West Haverstraw stated that 1:30 pm-2:00 pm would not be a problem.

Councilman Cancel stated that we have never had a complaint in 18 years with any of the parades in the Village.

Wilbur Aldridge, 6 Campbell Ct., West Haverstraw stated that the parade will not be short because of the three different groups participating in the parade. The festival after the parade lasts for about six hours. People that want to come to church cannot make it because of the traffic or the roads are closed. We need to sit down and compromise.

Supervisor Phillips stated that it's difficult to coordinate all of the performers especially when the festival does not get off on time. It was changed to Sunday based on other things. We will sit down and try to work out a compromise.

Rev. Raymond Caliman, Fairmont Baptist Church stated that it's a timing issue to get into the Village. The streets are closed off and it is difficult to get out because the streets are closed off. Worship service lasts in the afternoon until 3:00 pm-3:30 pm. Rev. Howard said that he has been in the Village for 12 years and each year it gets worse and worse. Why can't they do the parade on Saturday and that would solve everyone's problem?

Rev. Edgar Howard, Calvary Baptist Church, Haverstraw and Elaine Cuff, a member of Calvary Baptist Church, echoed the remarks of Mr. Aldridge and Rev. Caliman supporting to change the day and time of the parade due to disrupting the Protestant Church services.

Supervisor Phillips stated that we are really trying to accommodate everybody.

Rev. Caliman stated that in the Village at the location where the church is on Division Street, people walk their Pitt Bulls without muzzles and take them off their leashes. According to the Village ordinance, the dogs should have muzzles. The dogs are on Division St. running loose and it is becoming a problem for our parishioners.

Supervisor Phillips stated that we need to coordinate a Police Officer with Claudia Perry, our Animal Control Officer to go to Division Street to monitor the problem. The Supervisor would like to arrange a meeting with the Code Enforcement Officer in the Village.

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Elaine Cuff stated that she made calls about commercial cars on Clinton St. to no avail. There are 2-3 cars taking up parking spaces for parishioners. These commercial cars are parked overnight from November to April.

Charles Miller, Chief of Police stated that he will have to check the Village ordinance because they have different ordinances than the Town. Chief will get back to Elaine.

John Fox, Organizer of the Polar Plunge (Stony Point Seals) thanked Supervisor Phillips for the Town's generosity in helping them out during the Polar Plunge last month for allowing them to use the grill and soundstage.

Supervisor Phillips stated that the whole North Rockland community is one big family and we are so grateful to help.

### **ANNOUNCEMENTS**

On June 5, at 9:00 am the Town will be hosting the 8<sup>th</sup> Annual North Rockland Community 3-Mile Run/Walk at Bowline Point Park. Registration begins at 7:00 am. Proceeds will benefit three North Rockland Families: Lesley Spatta-Cioffoletti, Kendra McBride and Deirdre Huebner Michella.

The Philip J. Rotella Memorial Golf Course reopened today.

### **ADJOURNMENT**

**170-11** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Lesley Spatta-Cioffoletti, Antoinette DeLisi, Ana Dilia Fernandez, Willy R. Spieler, Bina Sullivan, Harold E. Korff, Elizabeth Shene, Angela Murphy, Helen F. McConnell, Newton Selig Zuckerman, Mary Jane Densky and Edward Martin, 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 Gamboli, seconded by Councilman Gould the Town Board Meeting to adjourn the meeting.

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**GINA NISHANIAN**  
Deputy Town Clerk