

TOWN BOARD
GARNERVILLE, NY
MAY 9, 2011

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, May 9, 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

211-11 TOWN BOARD MEETING MINUTES OF APRIL 25, 2011 submitted by the Town Clerk on motion by Councilman Soto, seconded by Councilman Gould, were unanimously adopted.

PAYMENT OF BILLS

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

212-11 RESOLVED, that bills numbered 1,281 through and including 1,486 in the amount of \$401,834.29 be and they are hereby paid; and Highway Vouchers numbered 230 through and including 277 in the amount of \$11,348.83 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

None.

Office Gaynor brought in "Chase" the new K-9 dog for the Town of Haverstraw to meet the Town Board and the public. The dog is from Hungary and is 14 months old. He is in training now and is halfway through. The dog was selected by Chief of Police Miller, who did an excellent job. Training will be completed the beginning of July and hopefully the dog will be on duty for the Town's July 4th fireworks celebration at Bowline to patrol the crowd.

PRESENTATION OF PLAQUE TO PETER RUGG

Supervisor Phillips and the Town Board presented Peter Rugg with a plaque commemorating his service as Chief of the Haverstraw Volunteer Fire Dept. Peter stepped down from the position as Chief and hopefully his family will have him back. It is only fitting that we recognize the sacrifice and commitment that Peter made to the community. The plaque was inscribed as follows:

**PRESENTED TO
PETER J. RUGG
Chief
HAVERSTRAW VOLUNTEER FIRE DEPARTMENT
2009-2011
FOR YOUR DEDICATION, COMMITMENT AND VOLUNTEER SERVICE TO THE
COMMUNITY AND TO THE PEOPLE OF THE
TOWN OF HAVERSTRAW
ON THIS 30TH DAY OF APRIL 2011**

FIREMEN'S PRAYER (was inscribed on plaque)

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**PRESENTATION OF PLAQUE TO ST. PETER'S CYO 4TH GRADE
BASKETBALL TEAM**

Supervisor Phillips and the Town Board presented a plaque to the St. Peter's Girl's CYO 4th Grade Basketball Team and the coaches for capturing the NY State Archdiocesan Championship and the Rockland County Championship. The plaque read as follows:

**PRESENTED TO
ST. PETER'S CYO
4TH GRADE
GIRLS BASKETBALL TEAM**

Jaayden Lafontant-Captain
Jaida Patrick-Captain
Tyana Brown
Akira Deloatch
Anisa Deloatch
Kelina Menard

Maya Rivera
Renee Santos
Sherlene Betances
Eva Bautista
Guadalupe Estrella

Philippe Doucet, Head Coach
Julius Rollins, Assistant Coach

**IT IS WITH GREAT PRIDE AND HUMILITY THAT THE
PEOPLE OF THE TOWN HAVERSTRAW AND ELECTED OFFICIALS
PRESENT THIS PLAQUE TO YOU FOR DEMONSTRATING THE ABILITY, TALENT
AND ATHLETICISM REQUIRED IN CAPTURING THE TITLE
OF
2010-2011 ARCHDIOCESAN CYO NY STATE CHAMPIONSHIP GIDGETS DIVISION
2010-2011 ROCKLAND COUNTY CYO CHAMPIONSHIP GIDGETS DIVISION**

ON THIS 9TH DAY OF MAY 2011

Supervisor thanked the businesses in the Town of Haverstraw for always being there for the community. He also thanked Noel Rappaport of Rappaport Locks in the Village of Haverstraw and Bob McGannon of McGannon Excavating, who were in the audience, for all they do for our community. They give so much and it is really appreciated and helpful.

**AWARD OF BID NO.4-2011 DEEP DRILL AERIFICATION FOR PHILIP J. ROTELLA
GOLF COURSE**

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

213-11 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 DEEP DRILL AERIFICATION FOR THE 2011 GOLF SEASON AT THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE TO AER-CORE, INC., THE SOLE BIDDER, OF POTTSTOWN, PA, AT A PRICE OF \$.055 PER SQUARE FOOT.

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**ADVERTISE FOR BIDS NO. 7-2011 - BUS TRANSPORTATION FOR SUMMER
RECREATION PROGRAM - 2011**

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

214-11 RESOLVED, THAT THE TOWN CLERK BE AND SHE HEREBY IS AUTHORIZED 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 FRIDAY, MAY 20, 2011, FOR THE RECEIPT OF BIDS FOR THE PROVISION OF BUS TRANSPORTATION FOR THE CHILDREN IN THE TOWN OF HAVERSTRAW'S SUMMER RECREATION PROGRAM 2011 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.

**AWARD OF RFQ NO.6-2011 2011 SUMMER STAFF SHIRTS FOR BOWLINE POINT
PARK**

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

215-11 RESOLVED, THAT TWO (2) REQUESTS FOR PROPOSAL WERE SUBMITTED TO PARKS DIRECTOR, MICHAEL COTIER TO SUPPLY 2011 SUMMER STAFF SHIRTS FOR BOWLINE PARK EMPLOYEES, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE RFP TO HOLLYWOOD SCREEN PRINTING OF POMONA, NEW YORK THE LOWEST PROPOSAL, AT A COST OF \$2,807.00.

AWARD OF RFQ NO. 7-2011 – NEW BOBCAT 48” 16 HP KAWASAKI MOWER

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

216-11 RESOLVED, THAT THREE (3) REQUESTS FOR PROPOSAL WERE SUBMITTED TO PARKS DIRECTOR, MICHAEL COTIER TO SUPPLY ONE (1) NEW BOBCAT 48” 16HP KAWASAKI MOWER TO USE TO CUT TOWN PROPERTIES, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE RFP TO POMONA POWER EQUIPMENT OF SPRING VALLEY, NEW YORK THE LOWEST PROPOSAL, AT A COST OF \$2,750.00.

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AUTHORIZATION TO SETTLE TAX CERTIORARI – COMMERCE BANK (TD BANK)

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

217-11 RESOLVED, UPON THE RECOMMENDATION OF DAVE ADAMS, TOWN ASSESSOR AND WILLIAM M. STEIN, TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SETTLEMENT FOR COMMERCE BANK (TD BANK) LOT 26.09-4-1, LOCATED AT 81 WEST RAMAPO ROAD IN GARNERVILLE FOR TAX YEAR 2010 BASED UPON THE FOLLOWING AMOUNTS ON THIS LOCATION:

PARCEL ID# 26.51-1-42				
TAX YEAR	ORIGINAL ASSESSMENT	REVISED ASSESSMENT	REDUCTION AMOUNT	EST REFUND
2010	1,400,000	1,100,000	300,000	\$4,638
			Total	\$4,638

AUTHORIZATION TO SETTLE TAX CERTIORARI – SMAKAM & SUSAN, LLC

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

218-11 RESOLVED, UPON THE RECOMMENDATION OF DAVE ADAMS, TOWN ASSESSOR AND WILLIAM M. STEIN, TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SETTLEMENT FOR COMMERCE BANK (TD BANK) LOTS 26.51-1-42 & 43, LOCATED AT 122 AND 124 ROUTE 9W IN THE VILLAGE OF HAVERSTRAW FOR TAX YEAR 2010 BASED UPON THE FOLLOWING AMOUNTS ON THIS LOCATION:

PARCEL ID# 26.51-1-42				
TAX YEAR	ORIGINAL ASSESSMENT	REVISED ASSESSMENT	REDUCTION AMOUNT	EST REFUND
2010	183,500	150,000	33,500	\$304
			Total	\$304
PARCEL ID# 26.51-1-43				
TAX YEAR	ORIGINAL ASSESSMENT	REVISED ASSESSMENT	REDUCTION AMOUNT	EST REFUND
2010	434,300	340,000	94,300	\$855
			Total	\$855

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**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND JULY 4 EVER
COMPANY**

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

219-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH JULY 4 EVER CO., OF WALDEN, NEW YORK FOR THE PURPOSE OF PROVIDING A FIREWORKS DISPLAY ON SATURDAY, JULY 2, 2011, WITH A RAIN DATE OF SUNDAY, JULY 3, 2011, AT BOWLINE POINT PARK, AND BE IT FURTHER

RESOLVED, THAT THE COST OF SAID AGREEMENT SHALL NOT EXCEED \$40,000.

PUBLIC PARTICIPATION

Barry Berman, 19 Turner Drive, Garnerville asked how things are working out trying to get the Villages to turn over the court system to the Town. The Villages of Haverstraw and West Haverstraw are in agreement to try to eliminate it.

Supervisor Phillips stated that he spoke to both Mayors and their boards and they are going to pursue and study the issue. The Town has the burden of the entire cost of the Police Department. The money from the tickets goes into the Villages and they keep the revenue by State law. The Villages share no expense for the cost of the police. A good 70% of the tickets that are given out are in the Village. We are left with the expense and none of the revenue. Give us time to explore this.

Barry Berman, 19 Turner Drive, Garnerville stated that the Town deserves most of that money and there should be a surcharge going to the Town. Once you take the court system out of the Villages then maybe they will reconsider the Town taking over both Villages completely. We are allowing them to keep the court system down there at our cost.

William Stein, Town Attorney stated that the court is not making money which is more of a reason for them to get rid of it.

Maria Foiles, 4 Ossman Drive, Pomona stated that she attended the Tuesday night School Board Meeting and has a lot of questions that were not answered. She wanted to know how the equalization rate worked and who made the equalization rate up?

Supervisor Phillips stated that the roll is available to the school district and it is a real concrete equalization rate which we believe we will receive. The ORPS Office may not officially hand out the equalization rate but can very confidently state where it's going to be.

Dave Adams, Town Assessor stated that the numbers we give the school district will not change very much.

Supervisor Phillips stated that then they can accurately calculate the tax rate.

Councilman Cancel asked what if we don't agree with their rate.

Dave Adams, Town Assessor stated that we can file a complaint if we don't agree with their tax rate.

Councilman Cancel stated that they did not file a complaint last year.

Supervisor Phillips stated that for the past two years, the shift has been going back and forth and the values went down in the Town of Haverstraw. This year the values are going down in Stony Point. After the discussion we had with the Superintendent of Schools we firmly believe that the people of the Town of Haverstraw will see a 10.5% school tax increase in residential taxes and a 5% in businesses.

Maria Foiles, 4 Ossman Drive, Pomona asked so based on the equalization rate, do you know today or what would be your guesstimation because in my opinion it's still not very good that they are using last year's equalization rate because the Town of Haverstraw paid less, so this year when we know we are going to be paying more.

Supervisor Phillips stated that about a 20% shift went onto Stony Point the last two years now the shift is coming back to Haverstraw. Based upon Dave's calculations Town of Haverstraw residents will see a 10.5% increase for residential and businesses are looking at a 5% increase.

Maria Foiles, 4 Ossman Drive, Pomona stated so when they say 6.92% it's really going to be 10 something%.

Supervisor Phillips stated yes.

Lynn Teger, 5 Simenovsky Drive, Haverstraw stated that she heard Supervisor Phillips on the radio the other morning and said that he was writing a letter to the school superintendent to find out what the reserves were and wanted to know if he did that.

Supervisor Phillips stated that yes we did and have asked for a meeting with the two Town Boards and the School Board, which we haven't had yet. We believe that based upon their financial report and financial audit of June 30, 2010 it showed that they had \$86 million in reserves.

Lynn Teger, 5 Simenovsky Drive, Haverstraw asked so how did they get from \$86 million to \$43 million.

Supervisor Phillips stated that when you have reserves there are restricted and unrestricted reserves, which means that when a municipality looks and says in this area of unemployment we may have exposure because since the school district has been laying people off, therefore, we are going to build up a reserve for unemployment but it's restricted to unemployment. The people have the right to know. The Town Board said the people have the right to know what that total reserve is because even if it is restricted we know that certain areas of exposure have reserves set against them so that if something does happen there is money in place.

William Stein, Town Attorney & Michael Gamboli, Director of Finance stated that they believe their biggest single reserve fund is for tax certiorari and the \$42-\$43 million is what they had in their reserves for tax certiorari. But the total fund balance for reserve is \$86 million.

Lynn Teger, 5 Simenovsky Drive, Haverstraw stated that in New York State that a school district is only allowed to hold in reserve 4% of their budget.

Michael Gamboli, Director of Finance stated that is their undesignated fund balance which is \$5 million.

Supervisor Phillips stated that the school district can have reserves for fund balances in different funds, which are earmarked for those areas. \$86 million in reserves is a tremendous amount of money and it's good to have strong reserves. We have reserves but there is a point

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where you have to use reserves and you build up reserves for rainy days. The Town Board and I said it's pouring in North Rockland right now and now is the time to use them.

Lynn Teger, 5 Simenovksy Drive, Haverstraw asked how are we going to be able to afford increases and how are we going to bring businesses here?

Supervisor Phillips stated that he would like to compliment his Board for keeping the Town taxes down and that we are the lowest in Rockland County. Our sewer tax is the lowest in the entire Hudson Valley. The Board and I work hard at not spending your money. We have a reputation to be extremely fiscally conservative. When the good times were here we did not get caught up in the spending spree like other municipalities. In my office, I still have the same number of employees since 1978. We have kept a tight rein on our expenses and that is the key. You have to be prepared and the best way to be prepared is by keeping reserves and not spending in the good times. Our Town budget this past year was a little more than \$1 million and \$800,000 of the budget is directly attributed to police because of binding arbitration, benefits and retirement for police.

The Town took on \$4 million in costs when we took over the Village of Haverstraw's policing and the Village didn't reduce the Village taxes. We are trying to watch your pennies. The Town is pushing for United Water to build the desalinization plant which will have a \$100,000,000 ratable for the Town. The school district is going up \$5 million in the tax levy. The Board members asked me to meet with the Superintendent with Supervisor Sherwood and our staff. We made it clear that we felt that a 10.5% increase is unacceptable especially with the reserves that they have and especially since people have been laid off. Their reserves have increased by laying people off and their expenses should have remained pretty flat. At the same time they collected \$4 million in new taxes this year and they propose to collect \$5 million more next year. Common sense is saying something is not working right and we cannot figure it out. A 10.5% tax increase is unacceptable especially with the reserve that they have and all the layoffs the school district had. At the meeting today, I don't think that anything was said that we didn't already know and we didn't feel anything different when we walked out of the meeting. They had a \$9 million tax increase in the last two years and with an increase in reserves.

Michael Gamboli, Director of Finance stated we tried to explain that there was a \$4 million increase in the tax levy last year, and a \$5 million, we thought \$7 million, but Jim Johnston told us \$5.3 million. We said to them that you increased the tax levy \$9 million in the last 2 years and the taxpayers cannot pay it.

Lynn Teger, 5 Simenovsky Drive, Haverstraw stated that she appreciated everything and hope that you will fight to get the school district to get them to cover the \$7 million tax levy because we just can't afford it anymore.

Barry Berman, 19 Turner Drive, Garnerville stated that he called the Supervisor to ask him if he was still interested in the 40 acres that the School District has by the golf course.

Supervisor Phillips stated that they have not contacted me and wanted \$2million for it and I said not in this market. We are interested in that property because we wanted to make a 9-hole golf course there. The School District has not contacted me about the property. They acquired the property on a steal. It was Letchworth land and they were given the property for free. Why should the same taxpayers spend \$2 million to purchase it? We are willing to sit down and talk to them about it. All of the problems that Dodge created were passed onto Mrs. Eckert and now she has to address all of them. The people are saying we cannot take any more taxes especially at 10.5% increase and a 5% increase for businesses. We feel very strong on that.

Maria Foiles, 4 Ossman Ct., Pomona asked so if you or the Town were to receive this property it would behoove us because we probably would make more money with both golf courses.

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Supervisor Phillips stated that our plan was to make it an executive par 3 with 9 holes much smaller and like the one at Blue Hill. It would definitely add revenue.

Maria Foiles, 4 Ossman Ct., Pomona stated that if the property is there and it's not being used, it doesn't make sense why they wouldn't do it.

Supervisor Phillips stated that Dodge promised the Town of Haverstraw that he would no longer need the 40 acres and he would give it to us. When we called him to tell him we were interested, he said that he researched it and state law said that we just can't give it to you.

Maria Foiles, 4 Ossman Ct., Pomona stated that they can't give it to you for \$1.00?

Supervisor Phillips stated to let the taxpayers decide. That's not a great piece of property for a school district because the pitch of property is all slopes.

Maria Foiles, 4 Ossman Ct., Pomona stated that she would rather see the property go to the Town than somebody else buying it under a different name.

Supervisor Phillips stated that the property is zoned R120 so it is very restrictive and would be very difficult to sell it to somebody.

Supervisor Phillips stated that Dodge told the Town this before he left in 2005-2006.

ANNOUNCEMENTS

Bowline staff are preparing for the annual Watch Fire for Memorial Day weekend.

Town of Haverstraw Youth Board has tickets for the Mets game for Sunday, July 17; for the Spirit of New York Cruises scheduled for Sunday, June 12 and Medieval Times scheduled for Saturday, May 21. Please feel free to call Lorraine Arocena, Youth Board Director at 429-2200 for tickets and further information.

Golf course is doing well and Bowline Point Park is getting a lot of use. The dock is back in the water after being removed because of damaging thick ice in the winter.

Memorial Day Services are scheduled for Monday, May 30 at 11:00 am on Calico Hill. In case of rain, the ceremony will be held at Town Hall located on One Rosman Road at 11:00 am.

3 Mile Fun/Run Walk will be held on Sunday, June 5 at Bowline. Registration begins at 7:30 am. The kiddie pool and spray area will be open that day only.

ADJOURNMENT

220-11 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Christian Castro Sanchez, Wilhelmena Smith, Christopher Reynolds, Vincent Qualitero, Mary Jane Marin, Franquel Michel, Felix Luis Rodriguez, Laura Weinfeld, John M. Hoey, Jr., Francis A. Finnerty and Gilda Iannone 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 to adjourn the meeting.

RAQUEL VENTURA
First Deputy