

TOWN BOARD
GARNERVILLE, NY
DECEMBER 10, 2012

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, December 10, 2012 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
Councilman	John J. Gould
Councilman	Hector L. Soto

CONTINUATION OF PUBLIC HEARING
11 BRISMAN DRIVE, THIELLS, NEW YORK

Supervisor Phillips stated that the purpose of this Public Hearing is pursuant to the Town of Haverstraw Town Code, Section 127-31A, for the property located at 11 Brisman Drive, Thiells, New York, Tax Lot ID#25-12-2.6 to authorize removal of nuisance hazard debris and litter by the Town of Haverstraw due to the failure of the owner to comply with the requirements of the Town of Haverstraw for removal of said debris. The First Deputy read proof of publication and presented the Affidavit of Publication to the Board.

PRESENTATION BY WILLIAM STEIN, TOWN ATTORNEY

William Stein, Town Attorney stated that the Public Hearing is a continuation of the last Town Board Meeting because Building Inspector, Gene Barnum was not able to be present. Mr. Barnum is here tonight.

Gene Barnum, Building Inspector stated that the problem at 11 Brisman Drive goes back to May of this year. We found that a contractor was dumping landscaping debris on the property in the backyard illegally. A violation and court order was issued by me to the landscaper and homeowner. The homeowner complained that he could not afford to pay to clean the property. The neighbors complained regarding the garbage and debris on the property. The landscaper was taken back to court and was fined through the court. The homeowner's taxes will be charged for the cleanup. Six notification posters were placed on the property and no corrections were made. Tammy Bitts, Office Manager sent out certified letters and by regular mail advising the homeowner of the hearing date. The letters came back unclaimed. Mr. Barnum further stated that he took photos of the property to show the condition of the debris. He stated that the property can create health issues such as rodents and the debris is running through other people's property. There was no one representing Mr. Mariotti regarding this issue.

William Stein, Town Attorney stated that the Town Board needs to authorize Mr. Barnum to go out to and get three quotes to have the work done and to authorize the low bidder to perform the work when the estimates are received.

AUTHORIZATION FOR BUILDING INSPECTOR TO OBTAIN QUOTES FOR
DEBRIS REMOVAL AT 11 BRISMAN DRIVE, THIELLS, NY

The following resolution was approved by all of the Town Board Members.

427-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE BUILDING INSPECTOR TO RECEIVE THREE (3) QUOTES FOR THE CLEANUP OF DEBRIS AND GARBAGE ON THE PROPERTY OF 11 BRISMAN DRIVE, THIELLS, NEW YORK AND TO AUTHORIZE THE LOW BIDDER TO PERFORM THE WORK WHEN THE ESTIMATES ARE RECEIVED.

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PUBLIC PARTICIPATION

Let the record note that there was no public comment.

BOARD MEMBERS

No comment.

CLOSE PUBLIC HEARING

428-12 On motion by Councilman Soto and seconded by
Councilman Gould, unanimously adopted, the Public Hearing was closed.

RAQUEL VENTURA
First Deputy Town Clerk

TOWN BOARD
GARNERVILLE, NY
DECEMBER 10, 2012

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, December 10, 2012 at 8:10 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
Councilman	John J. Gould
Councilman	Hector L. Soto

PUBLIC HEARING
TO AMEND CHAPTER 167 BY MAKING MINOR CORRECTIONS

Supervisor Phillips stated that the purpose of this Public Hearing is to consider adopting a local law to amend Chapter 167 of the Code of the Town of Haverstraw entitled, "Zoning" by making minor corrections. The First Deputy Town Clerk read proof of publication and presented the Affidavit of Publication to the Board.

PRESENTATION BY STEVEN SILVERBERG, ATTORNEY FOR PLANNING AND ZONING

Steven Silverberg, Attorney for Planning and Zoning stated that this proposed amendment is to address an issue that has come up a number of times regarding town parking requirements. The purpose of this local law is to update the parking requirements for retail uses having multiple tenants where the total gross square footage of retail space on a single site exceeds 200,000 square feet. The parking requirements for shopping centers and the size of parking spaces should read 9 x 18 not 9 x 19 as it is written incorrectly in one section of Local Law No. 6 that needs to be corrected. The parking standards need to be updated to be consistent with current standards. The public hearing will not be closed tonight because other municipalities need an opportunity to comment on this and some of the notices did not go out far enough in advance of today.

PUBLIC PARTICIPATION

Jonathan Ramirez, 17 Crickettown Road, Stony Point stated that he is opposed to the amendment due to the inconsistencies in the impact statements. If this amendment gets passed, it's only to push for the shopping center. There is a world of people out there who are pioneering that are respectful of the land. They are pioneering new ways to develop society. There is a need to be able to drink clean water and breathe clean air.

Supervisor Phillips thanked Mr. Ramirez for his comments.

BOARD MEMBERS

No comment.

ADJOURNMENT

429-12 On motion by Councilman Gould and seconded by Councilman Soto, unanimously adopted, the Public Hearing was adjourned and will remain open until the next Town Board Meeting of January 14, 2013 at 8:05 p.m.

RAQUEL VENTURA
First Deputy Town Clerk

TOWN BOARD
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The Town Board of the Town of Haverstraw held a Public Hearing on Monday, December 10, 2012 at 8:15 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
Councilman	John J. Gould
Councilman	Hector L. Soto

PUBLIC HEARING
AMEND CHAPTER 167 AND A176 OF THE TOWN CODE TO CORRECT A
TYPOGRAPHICAL ERROR

Supervisor Phillips stated that the purpose of this Public Hearing is to consider adopting a local law to amend Chapter 167 and A176 of the Code of the Town of Haverstraw entitled, "Zoning" to correct a typographical error in the designation of the approving board for utility substations or pump stations special permits. The First Deputy Town Clerk read proof of publication and presented the Affidavit of Publication to the Board.

PRESENTATION BY STEVEN SILVERBERG, ATTORNEY FOR PLANNING AND
ZONING

Steven Silverberg, Attorney for Planning and Zoning stated that this proposed amendment is actually only to amend Chapter 167 by changing the column in which public utility substations or pump stations are designated as special permit uses. It will be changed from Column 3 which was a typographical error to Column 4. It does not change anything in the ordinance it is still a special permit and makes it consistent as a special permit use with all other districts where this use is approved by the Town Board.

PUBLIC PARTICIPATION

Jonathan Rutker, 17 Cricket Town Road stated that this does not make sense to him.

Steven Silverberg, Attorney for Planning and Zoning stated that at the time this was done the County pointed out there was a typo and it was overlooked. This change from Town Board to Zoning Board was an error in drafting. It was a question of Column 3 or 4. The amendment is not changing the uses permitted in the law.

Laurie Seaman, 179 South Mountain Rd., New City asked when was the error made.

Steven Silverberg, Attorney for Planning and Zoning stated that the special permit change was in early August and was used incorrectly in Column 3 with special permit uses issued by the Zoning Board of Appeals, instead of Column 4 which is special permit uses approved by the Town Board and was overlooked at the time of adoption.

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CLOSE PUBLIC HEARING

430-12 On motion by Councilman Cancel and seconded by Councilman Gould, unanimously adopted, the Public Hearing was closed.

RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 7 OF 2012
AMENDING THE TOWN ZONING CODE

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

431-12 WHEREAS, in August 2012 the Town Board adopted certain the amendments to the Zoning Ordinance as part of Local Law number 3 of 2012 addressing minor deficiencies or inconsistencies including an inconsistency in permitted uses among the industrial/business districts which should be corrected, and

WHEREAS, the amendment was intended to permit public utility substations or pump stations as special permit uses in the PIO District by special permit issued by the Town Board, under Column 4 of Chapter 167 Attachment 12 Table of General Use Requirements PIO Planned Industrial Office District, and

WHEREAS, a typographical error, pointed out in a letter from the County Department of Planning dated August 8, 2012, placing the special permit use incorrectly in column 3 with special permit uses issued by the Zoning Board of Appeals, instead of Column 4 was overlooked at the time of adoption; NOW THEREFORE

BE IT RESOLVED, that the Town Board hereby adopts the annexed SEQRA Negative Declaration finding that the proposed amendment requires no further environmental review, and

BE IT FURTHER RESOLVED, that the Town Board declares itself lead agency pursuant to the State Environmental Quality Review Act (SEQRA) and finds this to be a TYPE I action under SEQRA, and

BE IT FURTHER RESOLVED, that for the foregoing reasons the Town Board hereby adopts Local Law No. 7 of 2012 Amending Chapter 167 and A176 entitled, "Zoning" as proposed, solely for the purpose of correcting the prior typographical error in column designation.

RAQUEL VENTURA
First Deputy Town Clerk

TOWN BOARD
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The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, December 10, 2012 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

432-12 PUBLIC HEARING AND TOWN BOARD MEETING OF NOVEMBER 26, 2012, submitted by the First Deputy Town Clerk on motion by Councilman Cancel, seconded by Councilman Gamboli, were unanimously adopted.

PAYMENT OF BILLS

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

433-12 RESOLVED, that bills numbered 4,100 through and including 4,296 in the amount of \$3,643,036.53 be and they are hereby paid; and Highway Vouchers numbered 607 through and including 630 in the amount of \$9,449.51 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

434-12 RESOLVED, THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF OCTOBER 2012.

APPROVAL OF CHANGE ORDER NO. 14 FOR HAVERSTRAW AMBULANCE CORP BUILDING RENOVATIONS

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

435-12 BASED UPON THE RECOMMENDATION OF GENOVESE ASSOCIATES ARCHITECTS, INC. THE TOWN BOARD HEREBY APPROVES CHANGE ORDER NO. 14 WITH HVS, LLC ELECTRICAL & CONSTRUCTION SERVICES, IN THE SUM OF \$976.00 TO INSTALL AND TEST SHUNT TRIP DELAY TIMER FOR THE HAVERSTRAW AMBULANCE CORP BUILDING.

BUDGET ADJUSTMENTS FOR PERIOD ENDING 11/30/2012

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

436-12 RESOLVED, THAT THE SUPERVISOR IS AUTHORIZED TO MAKE BUDGET ADJUSTMENTS FROM THE GENERAL FUND (A) IN THE AMOUNT OF \$410,000.00 AND SEWER FUND (SS) IN THE AMOUNT OF \$107,000.00 PURSUANT TO THE REPORT OF THE DIRECTOR OF FINANCE FOR THE TOWN OF HAVERSTRAW FOR THE PERIOD ENDING NOVEMBER 30, 2012. (SEE ATTACHED BUDGET ADJUSTMENTS.)

SET DATE FOR 2013 REORGANIZATION MEETING

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

437-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE FIRST DEPUTY TOWN CLERK TO PUBLISH A LEGAL NOTICE TO SET A DATE FOR ITS ANNUAL REORGANIZATION MEETING ON THURSDAY, JANUARY 3, 2013, AT 7 P.M. IN THE MEETING ROOM OF THE TOWN HALL, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK.

SCHEDULE PUBLIC HEARING - TO SET 2013 GOLF RATES AT THE TOWN OF HAVERSTRAW'S PHILIP J. ROTELLA MEMORIAL GOLF COURSE

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

438-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY SCHEDULE A PUBLIC HEARING TO SET THE 2013 GOLF RATES AT THE TOWN OF HAVERSTRAW'S PHILIP J. ROTELLA MEMORIAL GOLF COURSE. SAID PUBLIC HEARING WILL BE HELD ON MONDAY, JANUARY 14, 2013 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.

AMENDMENT TO CHANGE THE ESTIMATED EXPENDITURE FOR THE 2012/13 SNOW & ICE AGREEMENT

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

439-12 RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO EXECUTE AN AMENDMENT OF THE 2012/13 MUNICIPAL SNOW AND ICE AGREEMENT EXTENSION WITH THE NEW YORK STATE DOT.

DISCIPLINE OF EMPLOYEE

The following resolution was approved by all of the Town Board Members.

440-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY SUSPENDS EMPLOYEE #SYS-015341 WITHOUT PAY

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FROM NOVEMBER 19, 2012 THROUGH NOVEMBER 30, 2012 FOR AN INCIDENT THAT OCCURRED ON NOVEMBER 5, 2012.

AUTHORIZATION TO BID NO.14 -2012- RODENT AND WOODCHUCK CONTROL SERVICES AT THE TOWN OF HAVERSTRAW SANITARY LANDFILL

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

441-12 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF RONALD BADONE, PROJECT ENGINEER OF CONVERSE ENGINEERING CONSULTANTS, PC, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE ADVERTISING OF BIDS FOR RODENT AND WOODCHUCK CONTROL SERVICES AT THE TOWN OF HAVERSTRAW SANITARY LANDFILL, AND BE IT FURTHER

RESOLVED THAT SAID BIDS SHALL BE RECEIVED ON THURSDAY, JANUARY 10, 2013 AT 11:00 A.M. IN THE OFFICE OF THE TOWN CLERK, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK.

AGREEMENT WITH GHD CONSULTING ENGINEERS, LLC

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

442-12 THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH GHD CONSULTING ENGINEERS, LLC OF CAZENOVIA, NEW YORK FOR THE OBSERVATION AND TESTING OF SOIL PLACEMENT AT THE TOWN OF HAVERSTRAW LANDFILL AT A COST OF \$1,200.00 PER DAY FOR PERSONNEL AND \$1,500.00 PER TEST IF REQUIRED WITH A TOTAL COST NOT TO EXCEED THE SUM OF \$18,000.00.

ACCEPTANCE OF LETTER OF RETIREMENT – CUSTODIAL WORKER ANTONIO TORRES

The following resolution was approved by all of the Town Board Members.

443-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HEREBY ACCEPT THE LETTER OF RETIREMENT FOR CUSTODIAL WORKER, ANTONIO TORRES, EFFECTIVE DECEMBER 31, 2012.

RETURN OF PERFORMANCE BOND AND ACCEPTANCE OF ROAD DEDICATION FOR IVY ESTATES

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

444-12 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF JOSEPH CARUSO, PE OF MASER CONSULTANTS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE RETURN OF THE PERFORMANCE BOND IN THE AMOUNT OF \$20,000.00 FOR IVY ESTATES. THE TOWN BOARD HEREBY ACCEPTS DEDICATION OF THE ROADWAY AND IMPROVEMENTS FOR THIS SUBDIVISION WHICH WERE PREVIOUSLY RECORDED WITH THE ROCKLAND COUNTY CLERK.

RENEWAL OF AGREEMENT WITH WEST POINT TOURS

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

445-12 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF MAUREEN CORALLO, SENIOR LEADER, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY RENEWS THE AGREEMENT WITH WEST POINT TOURS, INC. TO PROVIDE BUS SERVICES TO THE HAVERSTRAW SENIOR CITIZENS PROGRAM AT THE SAME PRICE AND TERMS FOR 2013, AS IN THE 2012 AGREEMENT.

ADJOURNMENT OF REGULAR TOWN BOARD MEETING

446-12 A motion was made by Councilman Gamboli, seconded by Councilman Cancel to adjourn the Regular Town Board Meeting.

CONVENE TO A MEETING OF THE SANITATION COMMISSION

447-12 A motion was made by Commissioner Soto, seconded by Commissioner Gould to convene to a Meeting of the Sanitation Commission.

SANITATION COMMISSION
GARNERVILLE, NY
DECEMBER 10, 2012

The Town Board of the Town of Haverstraw met at a Meeting of The Sanitation Commission of the Town of Haverstraw on Monday, December 10, 2012 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 JUNK KING

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

448-12 RESOLVED, THAT THE SANITATION COMMISSION OF THE TOWN OF HAVERSTRAW HEREBY APPROVES THE APPLICATION FOR A LICENSE FOR JUNK KING OF HAVERSTRAW, NEW YORK, TO EXPIRE ON APRIL 30, 2013.

ADJOURNMENT OF THE SANITATION COMMISSION MEETING

449-12 On motion by Commissioner Gould, seconded by Commissioner Cancel, unanimously adopted, the Sanitation Meeting was adjourned.

450-12 RECONVENED TO REGULAR TOWN BOARD MEETING

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

PUBLIC PARTICIPATION

The following residents were in attendance at the Town Board Meeting: Laurie Seaman, 179 South Mountain Rd, New City; Lou Morris 23 Richard Ct., Pomona; Gil Hawkins, Leone, New Jersey; Pearl Gray, Nyack, New York; Miriam Rubin, Stony Point Center; Renee Finklestein, 151 West Main Street, Stony Point; Rochelle Sternheim, Assisted Living in Haverstraw; Jonathan Rameriz, 17 Cricket Town Road, Stony Point, NY and Jonathan Rutker, 17 Cricket Town Road, Stony Point, NY voicing their concerns about the proposed Desalinization Plant in Haverstraw and the proposed shopping center in Pomona. Hurricane Sandy brought new issues concerning the wetlands at the Haverstraw Marina. We are asking the Board to take a new look at this proposed desal plant and that it might not be the right thing for Haverstraw at this time. Mr. Hawkins felt that a new DEIS should be written to protect the other towns. Mr. Morris asked if there will be a vote on the desal Plant.

Supervisor Phillips stated that he appreciated everyone's comments and will take them all into consideration. He further stated that all of the public's comments regarding the desal plant were put into a final draft. All of the comments were submitted to the NYSDEC and questions will be submitted back from the United Water engineers. They are reviewing the comments now and something should be ready in the beginning of 2013. It will not be coming back to this board unless it's approved or in front of the Planning Board. It is in the hands of the DEC.

Supervisor Phillips and the Town Board members wished everyone a Happy and Holy Hanukkah and a very Merry Christmas.

ADJOURNMENT

451-12 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of our Elizabeth Cecelia Feeney, John Martin, Robert Babcock, Juanita DelPilar and Edward G. Prentice, who recently passed away. Supervisor Phillips and the Town Board members further extended their condolences and sympathy to the families. Thereafter, a motion was made by Councilman Gould, seconded by Councilman Gamboli to adjourn the Town Board Meeting.

RAQUEL VENTURA
First Deputy Town Clerk