

TOWN BOARD  
GARNERVILLE, NY  
MAY 28, 2013

The Town Board of the Town of Haverstraw met at a Regular Meeting on Tuesday, May 28, 2013 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**

**285-13 ADOPTION OF TOWN BOARD MEETING MINUTE OF MAY 13, 2013 AND SPECIAL TOWN BOARD MEETING OF MAY 20, 2013**, submitted by the Town Clerk on motion by Councilman Gould, seconded by Councilman Cancel, were unanimously adopted.

**PAYMENT OF BILLS**

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

**286-13 RESOLVED**, that bills numbered 1,654 through and including 1,822 in the amount of \$364,907.97 be and they are hereby paid, audited at this meeting, be and they are hereby paid. There were no Highway Vouchers for this meeting.

**ACCEPTANCE OF REPORTS**

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

**287-13 RESOLVED, THAT THE POLICE ACTIVITY REPORT FOR THE MONTH OF APRIL 2013 HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED.**

Supervisor Phillips and the Town Board presented the following:

**PRESENTATION OF TROPHY TO ST. GREGORY BARBARIGO  
7<sup>TH</sup> GRADE CYO BOYS BASKETBALL TEAM FOR CAPTURING THE  
TITLE OF 2012-2013  
ROCKLAND COUNTY & NEW YORK STATE ARCHDIOCESAN  
CHAMPIONS**

**And**

**PRESENTATION OF TOWN OF HAVERSTRAW YOUTH BOARD  
SCHOLARSHIP CHECKS TO  
GIULIANO FERNANDES  
AND  
ANTHONY BABCOCK**

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**MEMORIALIZING RESOLUTION**  
**CALLING UPON THE NEW YORK STATE LEGISLATURE TO SUPPORT NEW**  
**YORK SENATE BILL S.01561 AND NEW YORK ASSEMBLY BILL A. 00934 – AN ACT**  
**RELATING TO STATE REIMBURSEMENT TO COUNTIES FOR AMOUNTS PAID**  
**ON BEHALF OF NON-RESIDENT STUDENTS IN ATTENDANCE AT THE FASHION**  
**INSTITUTE OF TECHNOLOGY**

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

**288-13** WHEREAS, the Town Board of the Town of Haverstraw calls upon the Governor of the state of New York and the New York State Legislature to review state law pertaining to community college chargeback costs including chargebacks for F.I.T. for its baccalaureate and graduate degree programs; and

WHEREAS, S.01561/A.00934 is an act to amend the education law, in relation to payments to community colleges by the state and to repeal subdivision 10 of section 6305 of the education law relating to state reimbursement to counties for amounts paid on behalf of non-resident students in attendance at the Fashion Institute of Technology; and

WHEREAS, this legislation is designed to alleviate the financial burden on New York state counties and towns from having to pay chargeback fees to F.I.T. for baccalaureate and masters programs; and

WHEREAS, Fashion Institute of Technology is a uniquely situated community college which relies on funding from three sources, local sponsor's share, state support and student tuition, much like any other community college, however, F.I.T. grants baccalaureate and master's degrees which make them unique; and

WHEREAS, in a recent court case, F.I.T.'s designation as a community college was upheld, however, the court found that counties should only be required to provide charge back fees for their two year programs; and

WHEREAS, charge back fees are collected as part of an off-set to the local sponsor's share and are paid by counties and towns whose residents choose to attend an out of county community college; and

WHEREAS, in these difficult economic times, counties and towns find it difficult if not impossible to pay the baccalaureate and masters programs charge back fees; and

WHEREAS, this fact, coupled with the court's decision, makes this bill necessary to alleviate some of the counties' burden but to still fund F.I.T. at appropriate and fair levels; and

WHEREAS, this bill would achieve the goal of fully funding F.I.T. by having the state pick up the charge back costs for the baccalaureate and masters programs, which eases the counties' financial hardships; and

WHEREAS, it is a basic accounting principle that if you have the expenditures you receive the revenue, and if you receive the revenue you must have the expenditure since the towns do not receive the revenue but have the expenditures this goes completely against all accounting principles and must be corrected; and

WHEREAS, the Haverstraw Town Board unanimously supports New York Senate Bill S.01561 and New York Assembly Bill A. 00934 to correct this inequity, and be it further

RESOLVED, that the Town be and is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David

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Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. James G. Skoufis, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Town Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

**AWARD OF BID NO. 11-2013 BUS TRANSPORTATION SUMMER RECREATION PROGRAM 2013**

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

**289-13 RESOLVED, THAT UPON THE RECOMMENDATION OF HOWIE TEILL, DIRECTOR OF THE TOWN OF HAVERSTRAW SUMMER RECREATION PROGRAM, 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 BUS TRANSPORTATION FOR THE TOWN OF HAVERSTRAW SUMMER RECREATION PROGRAM 2013 TO HAVERSTRAW TRANSIT, INC. OF HAVERSTRAW, NEW YORK, THE SOLE BIDDER, AT DAILY BUS ROUTES OF \$171.00 PER DAY AND SPECIAL TRIPS AS MENTIONED IN THE ATTACHED BID SPECIFICATIONS.**

**STIPULATION OF SETTLEMENT – EMPLOYEE NO. SYS002391**

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

**290-13 WHEREAS,** the Town of Haverstraw Chief of Police Charles Miller preferred disciplinary charges against employee #SYS002391 for alleged violations of Town of Haverstraw Police Department Rules and Regulations; and

**WHEREAS,** Chief Miller and employee #SYS002391 resolved their differences in a tentative agreement contained in a Stipulation of Settlement dated May 9, 2013; and

**WHEREAS,** the Town Board of the Town of Haverstraw has reviewed the terms of the Stipulation of Settlement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town of Haverstraw;

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board hereby approves and accepts the terms of the aforementioned Stipulation of Settlement and hereby authorizes the Town Supervisor to execute the Stipulation of Settlement consistent with the terms thereof effective May 28, 2013.

**STIPULATION OF SETTLEMENT – EMPLOYEE NO. SYS001808**

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

**291-13 WHEREAS,** employee #SYS001808 in the Town Police Department filed a claim for benefits pursuant to General Municipal Law section 207-c with the Town of Haverstraw Chief of Police Charles Miller pursuant to the Town of Haverstraw Police Department Line of Duty Injury Procedure (“LDI Policy”); and

**WHEREAS,** a hearing was conducted pursuant to the LDI Policy to determine if employee #SYS001808 should return to work; and

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**WHEREAS**, the Hearing Officer appointed pursuant to the LDI Policy ordered employee #SYS001808 to return to work; and

**WHEREAS**, employee #SYS001808 had the opportunity to appeal the hearing officer's determination; and

**WHEREAS**, Chief Miller and employee #SYS001808 resolved their differences in a tentative agreement contained in a Stipulation of Settlement dated May 9, 2013; and

**WHEREAS**, Town Board of the Town of Haverstraw has reviewed the terms of the Stipulation of Settlement and finds that a settlement consistent with the terms contained therein is in the best interest of the Town of Haverstraw;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby approves and accepts the terms of the aforementioned Stipulation of Settlement and hereby authorizes the Town Supervisor to execute the Stipulation of Settlement consistent with the terms thereof effective May 28, 2013.

**APPOINTMENT OF PART TIME AND FULL TIME POLICE OFFICERS**

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

**292-13 RESOLVED, THAT UPON THE RECOMMENDATION OF CHARLES MILLER, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT THE FOLLOWING INDIVIDUALS TO POLICE OFFICER PART TIME PERMANENT, EFFECTIVE MAY 15, 2013:**

**WALTER VEGA  
JEFFREY MOLINA  
SEAN CAMPBELL  
MICHAEL LUPO**

**AND BE IT FURTHER**

**RESOLVED, THAT UPON THE RECOMMENDATION OF CHARLES MILLER, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT THE FOLLOWING INDIVIDUALS TO POLICE OFFICER FULL TIME PERMANENT, EFFECTIVE MAY 28, 2013:**

**MICHAEL SMITH  
WALTER VEGA  
JEFFREY MOLINA  
SEAN CAMPBELL  
MICHAEL LUPO**

**AND BE IT FURTHER**

**RESOLVED, THAT THE ABOVE MENTIONED INDIVIDUALS HAVE BEEN CLEARED ON ALL PRE-EMPLOYMENT TESTS AND THAT THESE APPOINTMENTS ARE SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL, AND BE IT FURTHER**

**RESOLVED, THAT THE ABOVE MENTIONED INDIVIDUALS SHALL SERVE A PROBATION PERIOD OF TWO (2) YEARS.**

**RETURN FROM LEAVE OF ABSENCE STATUS – ANTHONY ROCCI**

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

**293-13 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF POLICE CHIEF CHARLES MILLER, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY APPROVES POLICE RADIO DISPATCHER, ANTHONY ROCCI'S RETURN FROM LEAVE OF ABSENCE WORKING PART TIME HOURS, EFFECTIVE IMMEDIATELY AT A PAY RATE OF \$17.00 PER HOUR.**

**RFP NO. 3-2013 – REMOVAL OF DEBRIS AT 11 BRISMAN DRIVE**

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

**294-13 RESOLVED, THAT TWO (2) RFPs WERE SUBMITTED TO EUGENE BARNUM, BUILDING INSPECTOR FOR GENERAL CLEANUP/REMOVAL OF DEBRIS FOR THE PROPERTY LOCATED AT 11 BRISMAN DRIVE, AND BE IT FURTHER**

**RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAVERSTRAW DOES HEREBY AWARD RFP NO. 3-2013 TO NORTHERN TREE SERVICE II, INC. OF STONY POINT, NY AT A PRICE OF \$5,800.00, THE LOW BIDDER.**

**APPOINTMENT OF LAWRENCE FARBSTAIN AS SPECIAL CONSULTANT TO THE BOARD OF ASSESSMENT REVIEW**

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

**295-13 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT LAWRENCE FARBSTAIN OF INDUSTRIAL UTILITY VALUATION CONSULTANTS OF ALBANY, NEW YORK TO SERVE AS A SPECIAL CONSULTANT TO THE TOWN OF HAVERSTRAW'S BOARD OF ASSESSMENT REVIEW ON AN AS NEEDED BASIS AS REQUESTED BY THE BOARD OF ASSESSMENT REVIEW.**

**RETAINER AGREEMENT WITH MERCEDES GREENLEAF, NURSE AND TOWN OF HAVERSTRAW**

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

**296-13 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY RETAIN THE SERVICES OF MERCEDES GREENLEAF OF GARNERVILLE, NEW YORK AS A NURSING CONSULTANT TO REVIEW DAY CAMP APPLICATIONS, AS PER ROCKLAND COUNTY HEALTH DEPARTMENT RULES, FOR THE TOWN OF HAVERSTRAW'S DAY CAMP PROGRAM AT A PAY RATE OF \$40.00 PER HOUR.**

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**ADJOURNMENT OF REGULAR TOWN BOARD MEETING**

**297-13** 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**

**298-13** A motion was made by Commissioner Soto, seconded by Commissioner Gould to convene to a Meeting of the Sanitation Commission.

SANITATION COMMISSION  
GARNERVILLE, NY  
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The Town Board of the Town of Haverstraw met at a Meeting of The Sanitation Commission of the Town of Haverstraw on Monday, May 28, 2013 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 MIELE SANITATION**

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

**299-13 RESOLVED, THAT THE SANITATION COMMISSION OF THE TOWN OF HAVERSTRAW HEREBY APPROVES THE APPLICATION FOR A LICENSE FOR MIELE SANITATION OF CLOSTER, NEW JERSEY, TO EXPIRE ON APRIL 30, 2014.**

**ADJOURNMENT OF THE SANITATION COMMISSION MEETING**

**300-13** On motion by Commissioner Gould, seconded by Commissioner Cancel, unanimously adopted, the Sanitation Meeting was adjourned.

**301-13 RECONVENED TO REGULAR TOWN BOARD MEETING**

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

**PUBLIC PARTICIPATION**

Ilan Schulein, Hillside Drive, Thiells stated that he received a letter from United Water stating that his drinking water would be coming from the three reservoirs at Letchworth Village and that the water would have a different taste and smell, a smelly earthy taste, and to get accustomed to it. I pay for United Water and it's not cheap. For United Water to say that you better get used to it is deplorable. There needs to be a long-term solution.

Supervisor Phillips asked Mr. Schulein if he has tasted the water.

Ilan Schulein, Hillside Drive, Thiells stated that he has not tasted it.

Supervisor Phillips asked Mr. Schulein where do you want them to get the water from.

Ilan Schulein, Hillside Drive, Thiells stated that he never had to encounter bad tasting water.

Supervisor Phillips stated that he received complaints from residents on Call Hollow Road and Stony Point. There were approximately 10,000 employees that worked at Letchworth and drank the water from these three reservoirs. Here's the problem, there isn't enough water so therefore, United Water had to purchase these reservoirs. Right now, United Water is mandated by the state to come up with a new water source that is the more reliable and less expensive. If they cannot come up with a new water source what do you think the solution should be?

Ilan Schulein, Hillside Drive, Thiells stated that as I stated before, I am not against the desalinization plant. I would rather there be water rationing instead of foul water.

Supervisor Phillips stated that during the summer the reservoirs drop and when the water is pumped out you will get more of an earthy taste.

Ilan Schulein, Hillside Drive, Thiells thanked Frank Brooks, Superintendent of Highways for his service to our community and suggested to make the Superintendent of Highways position an appointment position and not an elected one.

Bruce Leach, West Haverstraw from the Hudson Valley Air Show stated that the 4<sup>th</sup> annual air show will be held on August 17<sup>th</sup> at the Haverstraw Scenic Riverview Park on Beach Road in West Haverstraw.

#### **BOARD MEMBERS**

The 90+ Recognition Day will be held on July 15<sup>th</sup> at Bowline Park.

The 10<sup>th</sup> Annual North Rockland community 3-Mile Run/Walk will take place on Sunday, June 2, 2013 at Bowline Park.

#### **ADJOURNMENT**

**302-13** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Altagracia DeLeon, Vernon "Bucky" Babcock, Dominick Borgia, Ruby T. Fraser, Maria Decimus, Margaret Frontino, Rosemary Pace, Jacobo Aponte and Luis A. Rentas, who recently passed away. The Town Board members further extended their condolences and sympathy to the families. Therefore, a motion was made by Councilman Cancel, seconded by Councilman Soto, unanimously adopted, the Town Board Meeting was adjourned.

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**KAREN L. BULLEY**  
Town Clerk