

TOWN BOARD
GARNERVILLE, NY
DECEMBER 12, 2023

The Town Board of the Town of Haverstraw met at a Regular Meeting on Tuesday, December 12, 2023 at 7:00 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	Johnny Ortiz

ADOPTION OF MINUTES

505-23 **ADOPTION OF MINUTES OF THE TOWN BOARD MEETING OF NOVEMBER 28, 2023** as submitted by the Town Clerk and 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 Ortiz, and on roll call unanimously adopted.

506-23 **RESOLVED**, that bills numbered 3254 through 3588 in the amount of \$691,621.86 (\$31,478.37– Highway Department) audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

507-23 **RESOLVED**, that the Town Board of the Town of Haverstraw does hereby accept the Police Department Activity Report for the month of November 2023.

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DECEMBER 12, 2023

**PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW NO. 13 – 2023 -
CANNABIS LAW**

The Town Board of the Town of Haverstraw held a Public Hearing on Tuesday, December 12, 2023 at 7:05 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	Johnny Ortiz

Supervisor Phillips announced that this Public Hearing was being held to consider adopting Local Law No. 13 of 2023 amending Town Code Chapter 167, Entitled “Zoning” to regulate cannabis uses in the Unincorporated Town of Haverstraw.

The Town Clerk read proof of publication and presented the Affidavit of Publication to the Board.

PRESENTATION BY TOWN ATTORNEY WILLIAM M. STEIN

William M. Stein, Town Attorney stated that the purpose of this local law is to regulate cannabis uses in the unincorporated Town of Haverstraw.

PUBLIC PARTICIPATION

Supervisor Phillips stated to let the record note that no public comment was offered.

CLOSE PUBLIC HEARING

508-23 On motion by Councilman Gould and seconded by Councilman Ortiz unanimously adopted, the Public Hearing was closed.

ADOPTION OF LOCAL LAW NO. 13- 2023

The following resolution was offered and unanimously adopted by all of the Town Board Members.

509-23 WHEREAS, IN LIGHT OF THE STATE OF NEW YORK LEGALIZING CERTAIN CANNABIS USES, INCLUDING CANNABIS RETAIL DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS, THE TOWN OF HAVERSTRAW TOWN BOARD (“TOWN BOARD”) IS CONSIDERING LOCAL LAW NO. 13 OF 2023 TO PUT REASONABLE TIME, PLACE AND MANNER ZONING RESTRICTIONS ON THESE USES FOR THE HEALTH, SAFETY AND WELL-BEING OF THE TOWN’S CONSTITUENTS; AND

WHEREAS, THE TOWN BOARD IS THE ONLY INVOLVED AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”) AND IS, THEREFORE, LEAD AGENCY; AND

WHEREAS, THE PROPOSED ACTION IS A TYPE I ACTION UNDER SEQRA PURSUANT TO 6 NYCRR 617.4(B)(2); AND

WHEREAS, THE TOWN HAS PREPARED A FULL ENVIRONMENTAL ASSESSMENT FORM, PART 1; AND

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WHEREAS, THE LOCAL LAW WAS REFERRED TO THE ROCKLAND COUNTY DEPARTMENT OF PLANNING (“COUNTY PLANNING”) IN ACCORDANCE WITH GML § 239-M, IN RESPONSE TO WHICH COUNTY PLANNING SENT THE TOWN A LETTER DATED NOVEMBER 29, 2023 RECOMMENDING APPROVAL WITHOUT MODIFICATIONS AND ADVISING THAT “SINCE THE PROPOSED LOCAL LAW WILL HAVE NO ADVERSE IMPACTS ON ANY COUNTY-WIDE INTERESTS, THIS MATTER IS REMANDED FOR LOCAL DETERMINATION;” AND

WHEREAS, THE TOWN BOARD HELD A DULY-NOTICED PUBLIC HEARING ON THIS LOCAL LAW ON DECEMBER 12, 2023, AND MEMBERS OF THE PUBLIC HAVING THE OPPORTUNITY TO ATTEND AND BE HEARD, THE PUBLIC HEARING WAS CLOSED ON DECEMBER 12, 2023; AND

WHEREAS, THIS LOCAL LAW HAS BEEN ON THE DESKS OF THE TOWN BOARD FOR AT LEAST SEVEN CALENDAR DAYS, EXCLUSIVE OF SUNDAY; AND NOW THEREFORE,

BE IT RESOLVED, THE TOWN BOARD HEREBY ADOPTS THE ATTACHED NEGATIVE DECLARATION DETERMINING THE LOCAL LAW DOES NOT HAVE THE POTENTIAL TO CREATE ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS AND THUS ENDING THE SEQRA REVIEW PROCESS AS THE STATE ALREADY LEGALIZED THESE USES AND THE LOCAL LAW WILL REGULATE THOSE USES TO ENSURE THEY ARE CONDUCTED IN LOCATIONS AND IN MANNERS THAT ARE CONSISTENT WITH THE TOWN’S CURRENT OPERATIONS AND PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC; AND

BE IT FURTHER RESOLVED, THE TOWN BOARD HEREBY ADOPTS LOCAL LAW NO. 13 OF 2023 TO AMEND THE TOWN OF HAVERSTRAW ZONING CODE TO REGULATE CANNABIS USES IN THE TOWN; AND

BE IT FURTHER RESOLVED, THE TOWN CLERK IS HEREBY DIRECTED TO FILE AND DISTRIBUTE THE NEGATIVE DECLARATION IN ACCORDANCE WITH 6 NYCRR 617.12(B); PUBLISH THE NEGATIVE DECLARATION IN THE ENVIRONMENTAL NOTICE BULLETIN IN ACCORDANCE WITH 6 NYCRR 617.12(C); AND FURTHER DISTRIBUTE, FILE AND/OR PUBLISH THE NEGATIVE DECLARATION AND ANY RELATED DOCUMENTS AS REQUIRED BY LAW; AND

BE IT FURTHER RESOLVED, THE TOWN CLERK IS DIRECTED TO ENTER SAID LOCAL LAW IN THE MINUTES OF THIS MEETING INTO THE LOCAL LAW BOOK FOR THE TOWN OF HAVERSTRAW; TO PUBLISH SAID MINUTES IN A NEWSPAPER PUBLISHED IN THE TOWN, IF ANY, OR IN SUCH NEWSPAPER PUBLISHED IN THE COUNTY IN WHICH SUCH TOWN MAY BE LOCATED HAVING A CIRCULATION IN SUCH TOWN, AND AFFIDAVITS OF SAID PUBLICATION SHALL BE FILED WITH THE TOWN CLERK; AND TO FILE A COPY OF SAID LOCAL LAW WITH THE SECRETARY OF STATE OF NEW YORK.

**TOWN OF HAVERSTRAW
LOCAL LAW NO. 13 of 2023**

**A LOCAL LAW AMENDING TOWN CODE CHAPTER 167 TO REGULATE
CANNABIS USES IN THE UNINCORPORATED TOWN OF HAVERSTRAW**

BE IT ENACTED by the Town Board of the Town of Haverstraw, Rockland County, New York (“Town Board”) as follows:

SECTION 1. Authority

This local law is adopted pursuant to the Town Board’s authority pursuant to the New York State Constitution, New York Municipal Home Rule Law and New York Cannabis Law.

SECTION 2. Title, Intent and Purpose

This local law shall be known and cited as “a Local Law amending Chapter 167 of the Town Code to regulate cannabis uses in the unincorporated Town of Haverstraw.”

The State of New York has legalized certain cannabis uses, including cannabis retail dispensaries and on-site cannabis consumption establishments. The Town Board recognizes that these uses could be beneficial in the Town by offering an ability to regulate the cannabis industry in a manner that did not previously exist and also providing another potential source of sales tax revenue to the Town. However, as the Town Board is entitled to do under the New York State Constitution, New York Municipal Home Rule Law and New York Cannabis Law, the Town Board believes it is important to put reasonable time, place and manner zoning restrictions on these uses for the health, safety and well-being of the Town’s constituents.

SECTION 3. Amendment

Section 167-3 of the Town Code (Word usage and definitions) is amended to add the following definitions:

CANNABIS AND TOBACCO PARAPHERNALIA SHOP:

A person, establishment or business, whether retail or wholesale, having more than a minimal portion of its sales or stock-in-trade in paraphernalia intended to assist in the smoking, burning and/or inhalation of cannabis, tobacco, shisha or other plants or plant products. Such paraphernalia shall include but not be limited to pipes, water pipes and hookahs. A Cannabis Business – Retail engaged in the accessory sales of such paraphernalia shall not be considered a Cannabis and Tobacco Paraphernalia Shop.

CANNABIS BUSINESS – INDUSTRIAL:

A business licensed by the New York State Office of Cannabis Management or another authorized State agency to operate the following types of business (as defined and regulated by Article 4 of New York Cannabis Law): Adult-use Cultivator, Adult-use Nursery, Adult-use Processor, Adult-use Distributor, Adult-use Cooperative, and/or Adult-use Microbusiness.

CANNABIS BUSINESS – ON-SITE CONSUMPTION:

A business licensed by the New York State Office of Cannabis Management or another authorized State agency to operate an Adult-use On-site Consumption facility in accordance with New York Cannabis Law.

CANNABIS BUSINESS – RETAIL:

A business licensed by the New York State Office of Cannabis Management or another authorized State agency to operate an adult-use cannabis retail dispensary in accordance with New York Cannabis Law.

SECTION 4. Amendment

Town Code Chapter 167 Attachment 11 (Table of General Use Requirements – C Commercial District) is amended to add (in **bold and underline**) the following:

To Column 2 (“Uses Permitted by Right”):

- 8. Cannabis Business – Retail**
- 9. Cannabis and Tobacco Paraphernalia Shop**

To Column 9 (“Additional Use Regulations”)

- 13. For Cannabis Business – Retail, see Zoning Code § 167-13.1.**

SECTION 5. Amendment

Town Code Chapter 167 Attachment 12 (Table of General Use Requirements – PIO Planned Industrial Office District) is amendment to add (in **bold and underline**) the following:

To Column 2 (“Uses Permitted by Right”):

- 6. Cannabis Business – Industrial**
- 7. Cannabis Business – On-Site Consumption**
- 8. Cannabis Business – Retail**
- 9. Cannabis and Tobacco Paraphernalia Shop**

To Column 9 (“Additional Use Regulations”)

- 6. For Cannabis Business – Industrial, Cannabis Business – On-Site Consumption and Cannabis Business – Retail, see Zoning Code § 167-13.1.**

SECTION 6. Amendment

Town Code Chapter 167 (Zoning) is amended to add a new Section 167-13.1 as follows:

Section 167-13.1 Regulations for Permitted Cannabis Uses

A. Site Plan Required.

- 1. Cannabis Business – Industrial uses, Cannabis Business – On-Site Consumption uses and Cannabis Business – Retail uses shall all require site plan approval from the Planning Board in accordance with Chapter A173 of the Town Code. In addition to complying with the requirements of Chapter A173 of the Town Code for site plan review, the Applicant shall also provide the following to the Planning Board’s satisfaction:
 - i. Security Plan
 - ii. Disposal Plan

iii. Odor Control Plan

2. The site plan shall not include outdoor seating or congregation areas. If the use is located on a property legally consisting of multiple uses or storefronts, there shall be no outdoor seating or congregation areas associated with the area dedicated to and within a 10-foot buffer of the Cannabis Business use.
3. The Building Inspector shall conduct annual inspections, with at least three days advanced notice to the owner or operator of the business, to ensure ongoing compliance with the requirements of the site plan approval and the Town Code.
4. Unless otherwise provided in this Section, the use must comply with Zoning Code 167 Attachment 2 (Table of General Bulk Requirements), the Zoning Code's applicable Table of General Use Requirements for the zoning district in which the use will be operating, and all other applicable provisions of the Town Code and Zoning Code.

B. Parking

1. Cannabis Business – On-Site Consumption uses shall have one parking space for every three seats or one parking space for every 100 square feet of gross floor area, whichever is greater.
2. Cannabis Business – Retail uses shall require one parking space for every 150 square feet of gross floor area.
3. Cannabis Business – Industrial uses shall provide parking in an amount determined to be sufficient by the Planning Board during the site plan review process based upon the size and nature of the use.

C. Minimum Distances

1. Cannabis Business – On-Site Consumption uses must be at least 1,000 feet from:
 - a. any other licensed Cannabis Business – On-Site Consumption use or licensed Cannabis Business – Retail use
 - b. any Cannabis and Tobacco Paraphernalia Shop and
 - c. any existing and operating residence, school, day care, medical facility, parkland, commercial recreation or house of worship.
2. Cannabis Business – Retail uses must be at least 500 feet from:
 - a. any other licensed Cannabis Business – Retail use or licensed Cannabis Business – On-Site Consumption use
 - b. any Cannabis and Tobacco Paraphernalia Shop and
 - c. any existing and operating school or day care.

D. Hours of Operation. Cannabis Business – On-Site Consumption uses and Cannabis Business – Retail uses shall only operate between the hours of 10:00 a.m. and 10:00 p.m.

SECTION 7. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 8. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF HAVERSTRAW

TOWN BOARD
GARNERVILLE, NY
DECEMBER 12, 2023

**PUBLIC HEARING – PURSUANT TO CHAPTER 127-31 OF THE TOWN CODE OF
THE TOWN OF HAVERSTRAW**

The Town Board of the Town of Haverstraw held a Public Hearing on Tuesday, December 12, 2023 at 7:10 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	Johnny Ortiz

Supervisor Phillips announced that this Public Hearing is being held for the purpose of hearing all comments and suggestions regarding the property located At 14 Poplar Road, Garnerville, New York 10923 due to the failure of the owner/tenant and/or occupant of the above premises to correct a condition complained of, specifically that the grass and/weeds are significantly overgrown, the house needs to be winterized, and that there is a boat on the premises that is a hazard causing a public nuisance.

The Town Clerk read proof of publication and presented the Affidavit of Publication to the Board.

PRESENTATION BY DEPUTY BUILDING INSPECTOR, ERIC DESCH

Deputy Building Inspector Eric Desch stated that he has received complaints regarding the condition of this property, specifically that the grass and/weeds are significantly overgrown, the house needs to be winterized, and that there is a boat on the premises. Under Section 127-31 of the Town Code, upon the failure of an owner, tenant or occupant with notice to correct a condition complained of, the Town Board may hold a public hearing. The public hearing shall be held upon notice posted conspicuously on the affected property and, if obtainable, forwarded to the last known address of the property owner, as it appears on the current assessment records of the Town. An Affidavit of Posting and proof that a certified letter was sent to the last known address of the property owner were presented to the Town Clerk. Mr. Desch stated that the house is vacant and under foreclosure. The bank started to do the necessary work, but the work was discontinued. Foreclosure proceedings on the property were stopped and the bank has to restart the process. Mr. Desch also asked the Board to authorize him to retain a private contractor to remediate the issues stated in case the bank cannot finish the work in a timely manner.

PUBLIC PARTICIPATION

Supervisor Phillips stated to let the record note that no public comment was offered.

CLOSE HEARING

510-23 On motion by Councilman Cancel, seconded by Councilman Gamboli, unanimously adopted, the Public Hearing was closed.

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DECEMBER 12, 2023

**ADOPT RESOLUTION REGARDING PROPERTY LOCATED AT 14 POPLAR ROAD,
GARNERVILLE, NEW YORK 10923**

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

511-23 Whereas the Town Board scheduled a public hearing on November 28, 2023 at 7:10 p.m., pursuant to Town Code §127-31, Property Maintenance - Removal by Town, regarding the failure of the owner of the property located at 14 Poplar Road, Garnerville, NY 10923 to maintain the property in accordance with requirements of §127-24 and 127-26 of the Town Code

Whereas said Notice of Public Hearing was posted on the property and sent to the last-known address of the property owner as it appears on the current tax assessment roll, sent by Certified Mail, Return Receipt Request, at least 15 days prior to the date of the public hearing, and

Whereas the Town Board held the public hearing on December 12, 2023 at 7:10 p.m. and received testimony and exhibits from the Deputy Building Inspector and the Town Board having found that the property owner has failed to maintain the premises in accordance with requirements of §127-24 of the Town Code entitled "MAINTENANCE OF VACANT STRUCTURES." And 127-26 entitled, PARKING AND STORAGE OF VEHICLES. No abandoned vehicle, no unregistered vehicle, and no vehicle with either an expired registration certificate, registration certificate under suspension, or otherwise invalid registration certificate shall be parked out of doors on any property within the unincorporated portion of the Town of Haverstraw. Now, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Deputy Building Inspector to retain a private contractor to winterize the house and also do the work on the property in order that it will be in compliance with Town Code §127-24 and Town Code §127-26, and such charges and expenses shall be an expense against the record owner of the property. These expenses shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges, including the \$500 administrative fee to compensate the Town for the administrative costs associated with correction of the violation.

RAQUEL VENTURA
TOWN CLERK

TOWN BOARD
GARNERVILLE, NY
DECEMBER 12, 2023

SET DATE FOR 2024 REORGANIZATION MEETING

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

512-23 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE TOWN CLERK TO PUBLISH A LEGAL NOTICE TO SET A DATE FOR ITS ANNUAL REORGANIZATION MEETING ON THURSDAY, JANUARY 4, 2024 AT 7:00 P.M. IN THE MEETING ROOM OF THE TOWN HALL, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK.

CLOSE CAPITAL PROJECT – HAVERSTRAW RECREATION COMPLEX PHASE I

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

513-23 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF SUBURBAN ENGINEERS TOWN CONSULTING ENGINEERS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CLOSE THE HAVERSTRAW RECREATION COMPLEX PHASE I PROJECT, AND BE IT FURTHER

RESOLVED, THAT THIS CAPITAL PROJECT WAS BUDGETED IN THE AMOUNT OF \$12,850,000.00 OF WHICH \$12,805,302.17 WAS EXPENDED TO COMPLETE THE ABOVE MENTIONED PROJECT THEREFORE THE REMAINING BALANCE OF \$44,697.83 WILL BE TRANSFERRED BACK TO GENERAL FUND AS AN INTERFUND TRANSFER.

ACCEPTANCE OF LETTER OF RETIREMENT – FRANK PENA

The following resolution was offered and unanimously adopted by all of the Town Board Members.

514-23 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HEREBY ACCEPT THE LETTER OF RETIREMENT FOR GROUNDWORKER, TOWN OF HAVERSTRAW PARKS DEPARTMENT FRANK PENA, EFFECTIVE FEBRUARY 23, 2024.

BUDGET ADJUSTMENTS FOR PERIOD ENDING IN NOVEMBER 30, 2023

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

515-23 RESOLVED, THAT THE SUPERVISOR IS AUTHORIZED TO MAKE BUDGET ADJUSTMENTS FROM THE GENERAL FUND (A) IN THE AMOUNT OF \$485,000.00 PURSUANT TO THE REPORT OF THE DIRECTOR OF FINANCE FOR THE TOWN OF HAVERSTRAW FOR THE PERIOD ENDING IN NOVEMBER 30, 2023 (SEE ATTACHED BUDGET ADJUSTMENTS).

Town of Haverstraw
Budget Adjustments
For period ending 11-30-2023

<u>Fund</u>	<u>Account Name</u>	<u>Account Number</u>	<u>Debit</u>	<u>Credit</u>
GENERAL FUND				
	Justice Personal Services	A-1110-0100	\$ 20,000.00	
	Police Contractual	A-3120-0400	\$ 75,000.00	
	Spec Rec - Golf personal Services	A-7150-0100	\$ 50,000.00	
	Social Security	A-9030-0800	\$ 40,000.00	
	Hospital & Medical	A-9060-0800	\$ 300,000.00	
	Judgements & Claims	A-1950-0400		\$ 200,000.00
	Contingent	A-1990-0400		\$ 200,000.00
	Serial Bond - Principal	A-9710-0600		\$ 85,000.00
			\$ 485,000.00	\$ 485,000.00

TOWN BOARD
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**ADOPTION OF SEWER ASSESSMENT ROLL FOR THE YEAR 2023 AND THE
ESTABLISHMENT OF SEWER RENT RATES FOR SEWER DISTRICT NO. 1 FOR
THE YEAR 2024**

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

516-23 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HEREBY ADOPT THE SEWER ASSESSMENT ROLL FOR THE YEAR 2023 AND ACCEPTS THE ESTABLISHMENT OF SEWER RENT RATES FOR SEWER DISTRICT NO. 1, TOWN OF HAVERSTRAW FOR THE YEAR 2024.

RESOLUTION – ZONING PETITION BY BNE ACQUISITIONS, LLC

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

517-23 WHEREAS, ON OR ABOUT NOVEMBER 30, 2023 BNE ACQUISITIONS, LLC (“APPLICANT”) SUBMITTED A ZONING PETITION TO THE TOWN BOARD REQUESTING A ZONE CHANGE FOR A 22.67-ACRE PORTION OF THE PROPERTY KNOWN AS THE FORMER LETCHWORTH VILLAGE DEVELOPMENT CENTER (TAX LOT NUMBER 19.16-1-14) (THE “PROPERTY”) FROM THE R-120 ZONING DISTRICT TO THE LA-17 ZONING DISTRICT; AND

WHEREAS, THE TOWN CURRENTLY OWNS THE PROPERTY AND CONSENTS TO THE APPLICANT MAKING THIS APPLICATION; AND

WHEREAS, IN CONJUNCTION WITH THE REQUESTED ZONE CHANGE, THE APPLICANT IS PROPOSING TO DEVELOP THE PROPERTY WITH APPROXIMATELY 300 RESIDENTIAL UNITS; AND

WHEREAS, PURSUANT TO TOWN ZONING CODE § 167-108(B), ANY ACTION BY THE TOWN BOARD TO MODIFY THE ZONING CODE, INCLUDING MODIFYING THE ZONING MAP, MUST FIRST BE REFERRED TO THE PLANNING BOARD FOR ITS REVIEW AND REPORT; AND

WHEREAS, THIS PROJECT IS A TYPE I ACTION UNDER 6 NYCRR 617.4(B)(5)(III) THAT WILL REQUIRE A COORDINATED ENVIRONMENTAL REVIEW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”); AND

WHEREAS, THE APPLICANT HAS NOT YET MADE AN APPLICATION TO THE PLANNING BOARD FOR SUBDIVISION AND SITE PLAN OR SUBMITTED A SEQRA FULL ENVIRONMENTAL ASSESSMENT FORM, PART 1; AND NOW THEREFORE,

BE IT RESOLVED, THE TOWN BOARD HEREBY REFERS THE ZONING PETITION BY BNE ACQUISITIONS, LLC TO THE PLANNING BOARD FOR ITS REVIEW AND REPORT; AND

**BE IT FURTHER RESOLVED, THE PLANNING BOARD IS NOT REQUIRED TO COMMENCE ITS REVIEW OF THE ZONING PETITION UNTIL THE APPLICANT HAS SUBMITTED ALL DOCUMENTS DEEMED NECESSARY TO THE PLANNING BOARD TO COMMENCE ITS OWN REVIEW; AND
BE IT FURTHER RESOLVED, THE TOWN BOARD CONSENTS TO THE PLANNING BOARD SERVING AS LEAD AGENCY FOR A COORDINATED REVIEW PURSUANT TO SEQRA.**

AUTHORIZATION TO SURPLUS VOTING MACHINES

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

518-23 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF JOHN FRIZALONE, GROUNDSKEEPER, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY DECLARE THE FOLLOWING VOTING MACHINES NUMBERS AS SURPLUS AND AUTHORIZES THE SALE OF SAID MACHINES:

VOTING MACHINE INVENTORY

VOTING MACHINE #	TOWN HAVERSTRAW #	TOWN STONY POINT #	ROCKLAND COUNTY #
171376	289		AVM177
125472	300		AVM054
163934	288		AVM139
149994	298		AVM112
174325	290		AVM131
174357	292		AVM109
167804	293		AVM125
167808	297		AVM108
150000	302		AVM126
174348	281		AVM113
146589	275		AVM114
200254	283		AVM135
149999	271		AVM241
169572	291		AVM116
129000	276		AVM111
166182	287		AVM119
200253	285		AVM138
172605	N/A		AVM262
150836		70	AVM337
150835		N/A	AVM342
138738		77	AVM345

ADVERTISE FOR BID NO. 12- 2023 – PHILIP J. ROTELLA GOLF COURSE 18-HOLE AUTOMATIC IRRIGATION SYSTEM – TOWN OF HAVERSTRAW

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

519-23 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 JANUARY 11, 2024, FOR THE RECEIPT OF BIDS FOR PHILIP J. ROTELLA GOLF COURSE 18-HOLE AUTOMATIC IRRIGATION SYSTEM IN ACCORDANCE WITH THE SPECIFICATIONS.

TOWN BOARD
GARNERVILLE, NY
DECEMBER 12, 2023

**APPROVAL OF MEMORANDUM OF AGREEMENT WITH CIVIL SERVICE
EMPLOYEES ASSOCIATION, LOCAL 1000 AFSCME, AFL-CIO, TOWN OF
HAVERSTRAW POLICE DISPATCHERS UNIT, ROCKLAND COUNTY LOCAL 844**

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

520-23 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH CIVIL SERVICE EMPLOYEES ASSOCIATION, LOCAL 1000 AFSCME, AFL-CIO, TOWN OF HAVERSTRAW POLICE DISPATCHERS UNIT, ROCKLAND COUNTY LOCAL 844, BEGINNING ON JANUARY 1, 2024 THROUGH DECEMBER 31, 2024.

**AUTHORIZATION TO SET TERMS & CONDITIONS OF EMPLOYMENT
FOR POLICE CHIEF – JANUARY 1, 2023 – DECEMBER 31, 2024**

The following resolution was offered and unanimously adopted by all of the Town Board Members.

521-23 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO SIGN THE TERMS AND CONDITIONS OF EMPLOYMENT FOR POLICE CHIEF PETER MURPHY FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2024 AS SET FORTH IN THE WRITTEN TERMS AND CONDITIONS DATED DECEMBER 12, 2023.

**AUTHORIZATION TO SET TERMS & CONDITIONS OF EMPLOYMENT
FOR POLICE CAPTAIN – JANUARY 1, 2023 – DECEMBER 31, 2024**

The following resolution was offered and unanimously adopted by Councilman Gamboli, Councilman Cancel. Councilman Gould recused himself from voting on this resolution.

522-23 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO SIGN THE TERMS AND CONDITIONS OF EMPLOYMENT FOR POLICE CAPTAIN JOHN J. GOULD JR. FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2024 AS SET FORTH IN THE WRITTEN TERMS AND CONDITIONS DATED DECEMBER 12, 2023.

**AUTHORIZATION TO SET TERMS & CONDITIONS OF EMPLOYMENT
FOR POLICE LIEUTENANTS – JANUARY 1, 2023 – DECEMBER 31, 2024**

The following resolution was offered and unanimously adopted by all of the Town Board Members.

523-23 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO SIGN THE TERMS AND CONDITIONS OF EMPLOYMENT FOR POLICE LIEUTENANT IAN KAYE, LIEUTENANT MANFREDO FIGUEROA AND LIEUTENANT JAMES W. HANSEN FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2024 AS SET FORTH IN THE WRITTEN TERMS AND CONDITIONS DATED DECEMBER 12, 2023.

TOWN BOARD
GARNERVILLE, NY
DECEMBER 12, 2023

**AWARD OF RFQ NO. 31-2023 – PURCHASE OF ONE (1) HP Z2 SMALL FORM
FACTOR G9 WORKSTATION WOLF PRO SERVER AND TWO (2) CRUCIAL 27B
PCIe SSD– TOWN OF HAVERSTRAW HIGHWAY DEPARTMENT**

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

524-23 RESOLVED, THAT THREE (3) REQUESTS FOR QUOTES WERE SUBMITTED TO DIRECTOR OF FINANCE MICHAEL GAMBOLI FOR THE PURCHASE OF ONE (1) HP Z2 SMALL FORM FACTOR G9 WORKSTATION WOLF PRO SERVER AND TWO (2) CRUCIAL 2TB PCIe SSD FOR THE TOWN OF HAVERSTRAW HIGHWAY DEPARTMENT AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD THE RFQ TO THOMAS MARSHALL DBA NORTH MOUNTAIN DIGITAL VIA PC WAREHOUSE OF EAST HANOVER, NEW JERSEY AT A TOTAL COST OF 3,198.00, THE LOWEST QUOTE.

**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND MONTEFIORE
NYACK HOSPITAL EMPLOYEE ASSISTANCE PROGRAM**

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

525-23 RESOLVED, UPON THE RECOMMENDATION OF THE TOWN BOARD OF THE TOWN OF HAVERSTRAW THE SUPERVISOR IS HEREBY AUTHORIZED TO ENTER INTO AN AGREEMENT WITH NYACK HOSPITAL FOR THE PURPOSES OF PROVIDING TO THE TOWN EMPLOYEES AN EMPLOYEE ASSISTANCE PROGRAM, AND BE IT FURTHER

RESOLVED, THAT SAID AGREEMENT SHALL COMMENCE ON JANUARY 1, 2024 AND EXPIRE ON DECEMBER 31, 2024, AND BE IT FURTHER

RESOLVED, THAT SAID AGREEMENT SHALL BE AT A TOTAL COST OF \$8,200.

PUBLIC PARTICIPATION

Rich Davis, Garnerville, NY suggested a Town registry for rentals in order to protect the renters. He also stated that the Code is meant to ensure that a house is safe to rent. Mr. Davis offered to send the information to the Board for reference.

Supervisor Phillips stated the Board would take a look at the information Mr. Davis offered to provide.

ANNOUNCEMENTS

The Town of Haverstraw Youth Board has several trips: Town of Haverstraw Annual trip to the Christmas Spectacular is scheduled for December 14th; Disney on Ice “Find your Hero” is scheduled for January 13, 2024. For more information please call Town Hall at 845-429-2200 and ask for extension 329.

We would like to wish our Jewish residents a Happy Chanukah.

We would like to wish our residents a Merry Christmas.

TOWN BOARD
GARNERVILLE, NY
DECEMBER 12, 2023

ADJOURNMENT

526-23 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Robert S. Knapp, William J. Fitzula Jr., Douglas F. Malin and George Schmidt who recently passed away. A motion was made by Councilman Gamboli, seconded by Councilman Cancel, and unanimously adopted and the Town Board Meeting was adjourned.

RAQUEL VENTURA
TOWN CLERK