

TOWN BOARD  
GARNERVILLE, NY  
JULY 18, 2011

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, July 18, 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 (Absent)
Councilman	Vincent J. Gamboli
Councilman	John J. Gould
Councilman	Hector L. Soto

**ADOPTION OF MINUTES**

**280-11 PUBLIC HEARINGS & TOWN BOARD MEETING MINUTES OF JUNE 27, 2011;** submitted by the Town Clerk on motion by Councilman Soto, seconded by Councilman Gamboli, were unanimously adopted.

**PAYMENT OF BILLS**

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

**281-11 RESOLVED,** that bills numbered 2,085 through and including 2,899 in the amount of \$461,298.04 be and they are hereby paid. No Highway bills were paid at this meeting.

**ACCEPTANCE OF REPORTS**

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

**282-11 RESOLVED THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF APRIL 2011.**

**AWARD OF BID NO. 8-2011 – ONE (1) CUSHMAN TRUCKSTER WITH MOUNTED BROADCAST TOPDRESSER AND (1) SET OF ROLL AND SPIKE HEADS TO BE UTILIZED AT THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE**

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

**283-11 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 ONE (1) CUSHMAN TRUCKSTER WITH MOUNTED BROADCAST TOPDRESSER FOR THE SUM OF \$29,690.00 AND (1) SET OF ROLL AND SPIKE HEADS FOR THE SUM OF \$4,469.00 TO BE UTILIZED AT THE AT THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE TO WILFRED MACDONALD, INC. OF SOUTH HACKENSACK, NEW JERSEY, THE SOLE BIDDER, SUBJECT TO FINANCING.**

**AUTHORIZATION TO SETTLE TAX CERTIORARI – 144 RAMAPO ROAD CORP**  
**(26.07-1-60)**

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

**284-11 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 THE 144 RAMAPO ROAD CORP. (LOT 26.07-1-60), LOCATED AT 144 RAMAPO ROAD IN WEST HAVERSTRAW FOR TAX YEAR 2009 AND 2010 BASED UPON THE FOLLOWING AMOUNTS ON THIS LOCATION:**

TAX YEAR	ORIGINAL ASSESSMENT	REVISED ASSESSMENT	REDUCTION AMOUNT	EST REFUND
2009	1,052,200	850,000	202,200	\$0
2010	1,052,200	850,000	202,200	\$1,717
			<b>Total</b>	<b>\$1,717</b>

**ACCEPTANCE OF AUDIT REPORT**

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

**285-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY ACCEPT THE AUDIT REPORT FROM KORN ROSENBAUM, LLP OF POMONA, NEW YORK FOR THE YEAR ENDING DECEMBER 31, 2010.**

**BUDGET ADJUSTMENTS FOR PERIOD ENDING 6/30/2011**

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

**286-11 RESOLVED, THAT THE SUPERVISOR IS AUTHORIZED TO MAKE BUDGET ADJUSTMENTS FROM THE GENERAL FUND (A) IN THE AMOUNT OF \$405,000.00 AND HIGHWAY OUTSIDE VILLAGES (DB) IN THE AMOUNT OF \$10,000.00 PURSUANT TO THE REPORT OF THE DIRECTOR OF FINANCE FOR THE TOWN OF HAVERSTRAW FOR THE PERIOD ENDING JUNE 30, 2011. (SEE ATTACHED BUDGET ADJUSTMENTS.)**

**EXTENSION OF AGREEMENT WITH STERLING CARTING, INC.**

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

**287-11 WHEREAS, ON OR ABOUT AUGUST 2008 THE TOWN OF HAVERSTRAW ENTERED INTO AN AGREEMENT WITH STERLING CARTING, INC. TO PROVIDE FOR THE COLLECTION, TRANSFER AND DISPOSAL OF GARBAGE GENERATED IN THE TOWN, AND**

**WHEREAS, THE TERM OF THE AGREEMENT EXPIRES ON DECEMBER 31, 2011, AND**

**WHEREAS, UNDER THE TERM OF THE CONTRACT THE TOWN HAS THE RIGHT TO EXTEND THE AGREEMENT FOR TWO, ONE YEAR EXTENSIONS,**

TOWN BOARD  
GARNERVILLE, NY  
JULY 18, 2011

**NOW THEREFORE, BE IT**

**RESOLVED, THAT THE TOWN OF HAVERSTRAW ELECTS TO EXTEND THE AGREEMENT FOR THE CALENDAR YEAR 2012 AND FOR THE CALENDAR YEAR 2013 WITH THE SAME RATES IN EFFECT FOR CALENDAR YEAR 2011.**

**CREATE POSITION –LABORER – GOLF COURSE**

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

**288-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CREATE THE POSITION OF LABORER, FULL TIME, FOR THE TOWN OF HAVERSTRAW GOLF COURSE, AS APPROVED BY THE COUNTY OF ROCKLAND, DEPARTMENT OF PERSONNEL.**

**APPOINTMENT OF LABORER**

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

**289-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT ELIJAH EURIE OF THIELLS, NEW YORK TO THE POSITION OF LABORER AT THE TOWN OF HAVERSTRAW GOLF COURSE EFFECTIVE IMMEDIATELY AT A PAY RATE OF \$20.00 PER HOUR, AND BE IT FURTHER**

**RESOLVED, THAT THIS APPOINTMENT IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.**

**AGREEMENT BETWEEN THE COUNTY OF ROCKLAND NARCOTICS TASK FORCE AND THE TOWN OF HAVERSTRAW DATED JUNE 24, 2011**

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

**290-11 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE HOWARD T. PHILLIPS, JR., SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND FOR REIMBURSEMENT OF A POLICE OFFICER ASSIGNED TO THE ROCKLAND COUNTY NARCOTICS TASK FORCE FOR THE YEAR 2011 IN THE AMOUNT OF \$174,485.00.**

**AGREEMENT BETWEEN SYLVIA A. WELCH, PH.D. AND THE TOWN OF HAVERSTRAW**

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

**291-11 RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH SYLVIA A. WELCH, PH.D. TO REFORMAT THE ASSESSOR'S TAX MAPS AND ASSESSMENT ROLL AS ELECTRONIC RECORDS AT A COST OF \$7,500.00 TO BE PAID BY A NEW YORK STATE ARCHIVES AND RECORDS ADMINISTRATION GRANT.**

TOWN BOARD  
GARNERVILLE, NY  
JULY 18, 2011

**AGREEMENT BETWEEN IRA WICKES ARBORISTS AND THE TOWN OF  
HAVERSTRAW**

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

**292-11 RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES PAYMENT TO IRA WICKES ARBORIST OF SPRING VALLEY, NEW YORK TO PERFORM TREE REMOVAL AT THE PHILIP J. ROTELLA MUNICIPAL GOLF COURSE ON AN EMERGENCY BASIS AT A COST OF \$2,010.00.**

**AGREEMENT BETWEEN COUNTY OF ROCKLAND YOUTH BUREAU AND  
THE TOWN OF HAVERSTRAW – FUNDING OF AMERICORPS PROGRAM**

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

**293-11 THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ROCKLAND TO PROVIDE FUNDING FOR A SUMMER INTERN FOR THE AMERICORPS PROGRAM WITH THE TOWN TO CONTRIBUTE THE SUM OF \$500.00.**

**PUBLIC PARTICIPATION**

Tom Cooney, 6 Castle Court, Pomona stated that he would like to read and deliver a formal civic complaint to the Town Board. I am speaking on behalf of the Castle Court Civic Association. The street curbs in the Castle Court Subdivision are deteriorating into slum-like conditions. This is caused by maintenance neglect by the Town of Haverstraw. I would like to give a brief chronology of events:

2001 – Installation of Belgian block curbs on Woodlake and Eastlake adjacent to Castle Court. Several residents asked members of the Town Board if the curbs were going to be installed on Castle Court. The answer given by all of the Town Board Officials contacted was yes.

2004 – Asked Supervisor if curbs were going to be installed and he said yes. We have the funds set aside and it is only a matter of time for getting it done.

2007 – Twelve Castle Court residents complained about deteriorating street curbs to Frank Brooks. Mr. Brooks assured residents that curbs would be installed in the Castle Court Subdivision, but he didn't state when.

2009 – Two years later, Mr. Brelesky of 12 Castle Court, asked the Town Board when Castle Court would be getting Belgian block curbs installed because of the deteriorating condition of the curbs. Mr. Brelesky was assured by the Town Board that the curbs would be taken care of.

Milton Barrett, 13 Castle Court, Pomona asked a Highway Department employee about the installation of Belgian block curbs. The Highway Department said yes, Castle Court was in the plan for Belgian block curbs.

Mr. Barrett asked Supervisor Phillips at a 2010 campaign event if Castle Court was going to get Belgian block curbs. Mr. Barrett stated that Supervisor Phillips said yes, there is a plan and the Town is awaiting the funds.

Mr. Cooney respectfully submitted a copy of his complaint to the Town Board and thanked the Town Board for completing a blacktop project because of a broken pipe in 2010. Mr. Cooney asked if a plan exists for the installation of Belgian block curbs on Castle Court.

TOWN BOARD  
GARNERVILLE, NY  
JULY 18, 2011

Supervisor Phillips stated that first let me go back to some of the statements you made. I never state that specific streets are going to have Belgian block curbs installed. I always tell residents that we have a plan to take care of older streets first. I always stress that we try to address the older streets first. In some instances where we had to replace a deteriorated curb on a newer street we may go in and install Belgian block curbs. We also try to address those streets that have never had any kind of curbs first. We have done so many of these improvements at zero cost to the taxpayers of their local taxes by securing State and Federal grants. We could go out and do all of the streets that have to be done but we would have to float a bond for millions of dollars. That is not something we are willing to do. We are willing to phase it in. We have obtained close to \$3 million dollars in grants. By spreading it out, we have been able to make these improvements without reaching into the taxpayer's pocket locally. Everybody in the unincorporated area who doesn't have Belgian block curbs wants them, but if we installed them on every street the cost would be astronomical. What we try to do is have the Superintendent go out with his staff and come back to the Board and tell us which streets need the priority and we prioritize those streets. The most recent streets we did were Woodridge, Havervale and Tulip Tree. I don't think Woodridge ever had curbs and they are much older subdivisions than Castle Court. I always tell everyone that we have a plan, but I never commit until I know we have the funds set aside for that particular street. The bad news is that the grants we have been able to secure in the past have pretty much evaporated because of the State's economic condition.

Tom Cooney, 6 Castle Court, Pomona stated, so let me ask again. Is there a plan to have Belgian block curbs installed in the Castle Court Subdivision?

Supervisor Phillips stated let me explain again. We secure funds/grants. Then we ask the Superintendent of Highways to prioritize the streets. Then we take the money and apply it to those streets. I have to sit down with the Superintendent to see. The budget for the installation of Belgian block curbs for this year has been depleted. I don't know when Castle Court is going to be done. I have to sit down with the Superintendent of Highways to review this matter.

Tom Cooney, 6 Castle Court, Pomona asked is there any reason why other subdivisions near ours have been done, but Castle Court has not?

Frank Brooks, Superintendent of Highways stated that Margaret Lane and Pine Drive haven't been done. We have been trying to do all the developments that have blacktop berms.

Supervisor Phillips asked if Mr. Brooks has to go in after the winter and replace the blacktop curbs because of snowplowing.

Frank Brooks, Superintendent of Highway stated yes.

Tom Cooney, 6 Castle Court, Pomona asked if funds are not available for Castle Court.

Supervisor Phillips stated that no more for this year. Based upon the State's budget, I do not expect any more funds for this year. I do expect to have some money in the budget for next year for Belgian block curbs. We are facing unprecedented economic times. We are trying to hold the line on spending. We have the lowest Town tax in Rockland County and probably the lowest sewer tax in the State of New York. Could \$100,000.00 do all of Margaret Lane?

Frank Brooks, Superintendent of Highways stated yes. We get CHIPS money from the State but we can only use that for road repairs, not Belgian block curbs.

Supervisor Phillips stated that everyone wants the Belgian block curbs. It is just too expensive. We do have a plan. We have businesses coming in wanting lower assessments. We still have Mirant wanting to lower their assessment. I can't commit to you tonight.

TOWN BOARD  
GARNERVILLE, NY  
JULY 18, 2011

Tom Cooney, 6 Castle Court, Pomona stated that he spoke to the Supervisor about this personally. Mr. Milton Barrett also spoke to you. The answer you are giving now is not what you said. You said that it was not a matter of now, it was a matter of when, because you have the funds.

Supervisor Phillips stated that he never said that. Each year we list the streets we are planning on doing.

Tom Cooney, 6 Castle Court, Pomona asked what would be the best way to monitor this.

Supervisor Phillips stated by coming to Town Board Meetings. Call my office in the beginning of the year and ask if we have decided on the capital projects for next year. We have always used these grants for curbs, road resurfacing such as micropaving or heat replacement and very rarely for drainage.

Mel Post, 1422 Round Point Road, Haverstraw stated that several people from the Village of Haverstraw go to both the Village and Town meetings. The next Town Board meeting is on the same date as the Village of Haverstraw Village Board meeting. Is there any chance that you could talk to Mayor Kohut about changing the meeting date?

Supervisor Phillips stated that he will call Mayor Kohut to see what we can do.

Mel Post, 1422 Round Point Drive, Haverstraw stated that the fireworks were great. At the end a young group of people were singing God Bless America.

Gil Mussinger, Round Point Drive, Haverstraw stated that there was an article in the Journal News last Tuesday regarding the tax cap. Headline Moody's singles out Haverstraw. Over two years ago I attended a meeting where Attorney General Cuomo attended urging the government to consolidate. I want to urge you to consolidate the Police Forces in Rockland County.

Supervisor Phillips stated that myself and other Supervisors have been meeting over the last year and have met with the Chiefs of Police to do exactly that. The Town of Ramapo and some of the Villages are not interested. We are approaching it in a multi-phase. We are doing a study. The study will show if it is more economically feasible. We are trying to find a firm to do the study. We have also tried to go after binding arbitration. We sent letters to the governor and State representatives. An arbitrator is solely compensated on whether or not they are chosen. We believe that the arbitrator will seek to give an average so that they are selected again. We believe a full time hearing officer should be used instead of an arbitrator. We are hoping the governor will take it up in next year's agenda.

Noel Rappaport, 7 Lewis Drive, Garnerville thanked the Parks Departments, Fire Departments, etc. for their help with the fireworks.

Mr. Rappaport also remarked that they have deactivated the left turn arrow on South Central Highway.

Supervisor Phillips stated that he will contact the DOT. I can't imagine they did it on purpose.

Tom Cooney, 6 Castle Court, Pomona asked if the arbitration process could be changed. Municipalities are getting 0's across the board. Police Union is getting a 4% increase. Can a municipality go into the process with a request for a reduction?

TOWN BOARD  
GARNERVILLE, NY  
JULY 18, 2011

Supervisor Phillips stated yes. We always ask for at least any new employees to contribute to their health insurance. We have never been able to get that. We ask for time back and we haven't been able to get it. They have received additional time off and went from 25 to 20 years retirement, but not many officers retire after 20 years. The arbitrator has never reduced a 1<sup>st</sup> grade officer's salary. We have been successful in lowering the starting pay, but we have lost that in recent years. A 1<sup>st</sup> grade officer makes \$103,000.00 after 5 years and we are the lowest in Rockland County. In the Town of Ramapo 1<sup>st</sup> grade officer makes \$133,000.00 after 5 years.

William Stein, Town Attorney stated that the arbitrator only looks at Rockland County. It is a closed system.

Supervisor Phillips we should also be able to look at the assessment.

Shirley Jordain, W. Haverstraw asked what is the current status on Mirant?

Supervisor Phillips stated that the lawsuit continues. In 2009 Mirant filed for a 94% reduction and in 2010 they filed for a 97% reduction. They filed this year, but I don't know the amount. We are in court. Their assessment went from \$390 million dollars to \$220,000 million dollars. If a company doesn't put money into a business, it depreciates.

Shirley Jordain, West Haverstraw asked what happened between the Town of Haverstraw and Mirant and how did we get in this situation?

Supervisor Phillips stated that deregulation took values out of the power plants. From 2000 to 2006 from residential to commercial it was skyrocketing. In 1998 the State came in and deregulated. Bowline decreased while every other property was increasing. We never raised the assessment. When values go up, the State lowers the equalization rate. It keeps raising the value of Bowline.

William Stein, Town Attorney stated that when this case was pending in 2006 before the Judge, we negotiated a deal with the Town and the Village of Haverstraw, the County of Rockland and the School District whereby Mirant was going to give the school district \$100 million dollars to offset school taxes. It required the Town of Stony Point to agree. They wouldn't. Their board said no. Our school district would have had \$100 million dollars to offset school taxes.

Supervisor Phillips stated that we are still holding the line on Town taxes.

### **ANNOUNCEMENTS**

Supervisor Phillips stated that the fireworks went well and so did the concert. I want to thank the Chief of Police, Parks Department, Sheriff's Department and Lou Falco, the Volunteer Fire Departments, Ambulance Corps and Rockland Paramedics. There were a tremendous amount of people in attendance. Fireworks Extravaganza did a fabulous job.

Supervisor also thanked Tilcon and United Water for their generous donations. I also want to thank Noel Rappaport for his generosity and help.

The Thursday night concerts are getting more and more people in attendance. This Thursday night Tequila Rose will be performing.

We are having record setting crowds at Bowline.

TOWN BOARD  
GARNERVILLE, NY  
JULY 18, 2011

We introduced Officer Gaynor and the new canine dog, Chase.

Loraine Arocena and the Youth Board are planning more activities.

August 21<sup>st</sup> is the Puerto Rican, Dominican and Ecuadorian Parade.

This Friday is the Puerto Rican Day Pageant at the Haverstraw Elks.

The golf course is extremely busy. The greens are in great condition.

Dancing Under the Stars was rescheduled for this Friday night in front of the Village of Haverstraw Village Hall.

The Town will be hosting our 1<sup>st</sup> Volunteer Recognition Day on Friday night, August 26<sup>th</sup> from 6 PM - 9PM. We will have food and a DJ and the pool will be open.

The Town of Haverstraw Senior Citizens had a luncheon down at Bowline. Over 200 seniors attended. Supervisor Phillips thanked Maureen Corallo, Senior Leader, for all of her help.

#### **ADJOURNMENT**

**294-11** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Ralph N. Cocca, Virginia Castaldo, Paul Dahl, Rachel Cimo, Anna Demetrius, Victor Lleras, Jr., Richard May, Harriet Harty, Jeanne M. Scherer, Kerry Keleman-Curran, Josephine Brennan, Patrick M. McHugh, Awlida Perez, Benedict Tucarone, James M. Herring and Benedict Tuciarone, 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 to adjourn the Town Board Meeting to executive session.

---

**JOSEPHINE E. CARELLA**  
Town Clerk