

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, November 24, 2014 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

453-14 ADOPTION OF THE TOWN BOARD MEETING MINUTES OF NOVEMBER 10, 2014 as submitted by the Town Clerk and on motion by Councilman Gamboli, seconded by Councilman Cancel, were unanimously adopted.

PAYMENT OF BILLS

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

454-14 RESOLVED, that bills numbered 3448 through and including 3687 in the amount of \$628,693.61 and Highway Vouchers numbered 646 through and including 672 in the amount of \$14,277.06 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

455-14 RESOLVED, THAT THE POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF SEPTEMBER 2014 HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED.

CONTINUATION OF PUBLIC HEARING – ADOPT NEW CHAPTER OF THE TOWN CODE CHAPTER 142 ENTITLED “SOLID WASTE DISPOSAL”

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, November 24, 2014 at 8:05 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	Hector L. Soto

Supervisor Phillips announced that this is the continuation of the Public Hearing being held to consider adopting a Local Law to add a Chapter to the Town Code of the Town of Haverstraw, Chapter 142 entitled, “Solid Waste Disposal”.

PRESENTATION BY WILLIAM M. STEIN, TOWN ATTORNEY

William M. Stein, Town Attorney stated that we previously opened the Public Hearing and then adjourned it so that we could send out notification of the proposed law to the affected agencies along with the environmental analysis prepared by Mr. Kauker. The purpose of the law is to add a provision to the code that simply says under Paragraph 142-2 that the transporting of solid waste from outside the Town other than to the County Transfer Station for the purpose of processing, sorting or distributing solid waste is strictly prohibited.

BOARD MEMBERS

No Comment.

PUBLIC PARTICIPATION

Stephen Mandracchia, the attorney representing the property known as East Railroad Avenue, LLC which is the property located at 102 East Railroad Avenue, West Haverstraw, NY stated on behalf of the owner that they are opposed to the adoption of this local law. He stated that as written the law was unenforceable and unconstitutional. It is an attempt to stop the Town of Stony Point from developing an industrial zone. The action of the Town will interfere with the Town of Stony Point allowing a gasification plant. The law needs to be redrafted to make it constitutional.

William Stein, Town Attorney stated that we did receive a negative declaration from Michael Kauker, the Town Planning Consultant.

SEQRA RESOLUTION FOR ADOPTION OF LOCAL LAW NO. 6 OF 2014

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

456-14 Resolved the Town Board declares itself Lead Agency under the SEQRA Law,

Resolved that the proposed Local Law No. 6 of 2014 is an unlisted action and will not have a negative impact on the environment. This notice has been prepared in accordance with Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law; and be it further

Resolved, that the Town Board of the Town of Haverstraw, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Proposed Local Law No. 6 of 2014

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description: The action consists of the adoption of a local law, which would add Chapter 142 to the Town Code of the Town of Haverstraw, entitled "SOLID WASTE DISPOSAL." This law would prohibit the transporting of solid waste from outside the Town of Haverstraw to any location other than the existing Rockland County Solid Waste Transfer Station located at 200 Beach Road, West Haverstraw, New York.

Location: Town-wide in the Town of Haverstraw, Rockland County, New York.

Reasons Supporting This Determination:

1. The action is limited to the adoption of Local Law No. 6 of 2014 by the Town and there is no physical disturbance proposed to any property. Therefore, it is not anticipated to result in any adverse environmental impacts as further described below.
2. The proposed action will not cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
3. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
4. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area;
5. The proposed action will not result in the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
6. The proposed action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
7. The proposed action will not result in a major change in the use of either the quantity or type of energy;
8. The proposed action will not result in the creation of a hazard to human health;
9. The proposed action will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
10. The proposed action will not result in the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

CLOSE PUBLIC HEARING

457-14 On motion by Councilman Cancel and seconded by Councilman Gamboli, unanimously adopted, the Public Hearing was closed.

ADOPT RESOLUTION

The following resolution was approved by all of the board members.

458-14 **RESOLVED**, that the Town Board of the Town of Haverstraw, does hereby adopt the Local Law No. 6 of 2014 to add Chapter 142 to the Town Code of the Town of Haverstraw entitled, "SOLID WASTE DISPOSAL."

RETAINER AGREEMENT WITH CHRISTOPHER WHYLAND, ESQ. AND TOWN OF HAVERSTRAW

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

459-14 **RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY RETAIN THE SERVICES OF CHRISTOPHER WHYLAND OF MANLIUS, NEW YORK TO REVIEW THE VARIOUS OUTSTANDING WORKERS' COMPENSATION MATTERS AND ALL PROCEEDINGS RELATED THERETO AT A RATE OF \$250.00 PER HOUR NOT TO EXCEED A TOTAL OF TEN (10) HOURS.**

SURPLUS HP COLOR JET 5500 DTN PRINTER FROM SUPERVISOR'S OFFICE

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

460-14 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF MICHAEL J. GAMBOLI, DIRECTOR OF FINANCE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SURPLUSING OF A BROKEN HP COLOR JET 5500 DTN PRINTER FROM THE SUPERVISOR'S OFFICE WHICH WILL BE DISPOSED OF AT THE ROCKLAND COUNTY'S HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY.

AUTHORIZATION TO BID – BID NO. 1- 2015 – SANITARY LANDFILL TESTING

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

461-14 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ADVERTISE FOR BIDS FOR THE SAMPLING AND ANALYTICAL SERVICES FOR THE GROUNDWATER, LEACHATE DISCHARGE, AND SURFACE WATER MONITORING SYSTEMS AT THE TOWN OF HAVERSTRAW SANITARY LANDFILL FOR A PERIOD OF THREE (3) YEARS (JANUARY 1, 2015 THROUGH DECEMBER 31, 2017), AND BE IT FURTHER

RESOLVED, THAT THE BIDS MUST BE RETURNED TO THE OFFICE OF THE TOWN CLERK OF THE TOWN OF HAVERSTRAW, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, NO LATER THAN 11:00 A.M. ON WEDNESDAY, JANUARY 7, 2015.

PURCHASE SOD FOR FAIRWAY REPAIR ON HOLE NO. 7 @ THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE

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

462-14 RESOLVED, BASED UPON THE RECOMMENDATION OF CAL FOWX, GOLF COURSE SUPERINTENDENT, THE TOWN HEREBY APPROVES THE PURCHASE OF 11,000 SQUARE FEET OF SOD @ \$.30 CENTS PER SQUARE FOOT AND INSTALLATION OF THE SOD IN THE AMOUNT OF \$.25 CENTS PER SQUARE FOOT FOR A TOTAL OF \$6,050.00 AT THE SAME PRICE OF THE ORIGINAL RFP NO. 12-2014.

CHANGE ORDER FOR AWARD OF RFP NO. 13-2014 – BUILDING /SHAPING OF TEE BOX ON THE 7TH HOLE @ THE PHILIP J. ROTELLA MEMORIAL GOLF COURSE

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

463-14 BASED UPON THE RECOMMENDATION OF CAL FOWX, GOLF COURSE SUPERINTENDENT, THE TOWN HEREBY APPROVES A CHANGE ORDER WITH TURCO GOLF TO SPREAD 250 YARDS OF TOPSOIL @ \$8.00 PER YARD; 6 HRS. REALIGNING TEE BOX ON 11/3/14 – 6 HRS. @ \$185.00 PER HOUR; AND 5 HOURS REALIGNING TEE BOX ON 11/14/14 – 5 HRS. @ \$185.00 PER HOUR FOR A TOTAL SUM OF \$4,035.00.

AGREEMENT WITH GOOSETOWN COMMUNICATIONS OF CONGERS, NEW YORK FOR 20 VERIZON MODEMS AND ANTENNA FOR POLICE VEHICLES

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

464-14 THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO A LEASE AGREEMENT WITH GOOSETOWN COMMUNICATIONS OF CONGERS, NEW YORK TO LEASE 20 VERIZON MODEMS AND ANTENNAS TO BE PLACED IN THE POLICE VEHICLES AT AN ANNUAL COST OF \$7,200.00 PER YEAR FOR A TERM OF 5 YEARS.

SALE OF 2008 AMERICAN LaFRANCE SWEEPER - HIGHWAY DEPARTMENT

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

465-14 WHEREAS, THE TOWN BOARD AUTHORIZED THE SURPLUS OF THE 2008 AMERICAN LaFRANCE SWEEPER VIN#5SXAAMDT28RZ51796 FROM THE HIGHWAY DEPARTMENT AND FURTHER AUTHORIZED THE SALE OF THE SWEEPER FOR THE MINIMUM SUM OF \$75,000.00, AND

WHEREAS, THE SWEEPER WAS ADVERTISED FOR BID ON TWO SEPARATE OCCASIONS AND THERE WAS NO MINIMUM BID OF \$75,000, AND

WHEREAS, THE SUPERINTENDENT OF HIGHWAYS WAS ABLE TO NEGOTIATE A SALE OF THE SWEEPER FOR THE SUM OF \$56,000.00,

RESOLVED, THAT THE 2008 AMERICAN LaFRANCE SWEEPER VIN#5SXAAMDT28RZ51796 WILL BE SOLD TO THE TOWN OF ORANGETOWN FOR THE SUM OF \$56,000.00.

AGREEMENT WITH DIRECT ENERGY BUSINESS, LLC AND THE TOWN OF HAVERSTRAW

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

466-14 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH DIRECT ENERGY BUSINESS, LLC OF PITTSBURGH, PENNSYLVANIA TO PROVIDE ELECTRIC TO THE TOWN OF HAVERSTRAW'S ACCOUNT AT A FIXED RATE UP TO \$0.08842 CENTS PER KWH FOR A 24 MONTH CONTRACT.

AGREEMENT WITH ESPOSITO & ASSOCIATES – STONY POINT BIOMASS GASIFICATION PLANT

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

467-14 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ESPOSITO & ASSOCIATES OF GOSHEN, NEW YORK TO PROVIDE PROFESSIONAL SERVICES IN REGARD TO THE STONY POINT BIOMASS GASIFICATION PLANT.

PUBLIC PARTICIPATION

None.

ANNOUNCEMENTS

Supervisor Phillips stated that we are ready for the snow if it comes. We wish everyone a wonderful Thanksgiving. Please remember all of the men and women who serve our country who will not be home for Thanksgiving. We have a number of programs planned by the Youth Board such as Broadway Plays. The Halloween Festival was very successful with over 2,000 children participating. We held a Public Hearing on the Budget and we will keep it under the 2% tax cap. It is 1.56 percent.

ADJOURNMENT

468-14 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Esther Rose Bosico, James "Archie" McFarlane, Anthony DeSena, William Harold Gunnerson, Jr., Edgar Atilio Flores, Elizabeth "Betty Boop" Conklin, Rose Baisley and Irene May who recently passed away. The Town Board members further extended their condolences and sympathy to the families. Therefore, a motion was made by Councilman Gamboli, seconded by Councilman Gould, and unanimously adopted and the Town Board Meeting was adjourned.

KAREN L. BULLEY
Town Clerk