

TOWN BOARD  
GARNERVILLE, NY  
JULY 10, 2017

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, July 10, 2017, 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 (Absent)
Councilman	Hector L. Soto

**ADOPTION OF MINUTES**

**287-17 ADOPTION OF MINUTES - TOWN BOARD MEETING OF JUNE 26, 2017 AND SPECIAL TOWN BOARD MEETING OF JUNE 28, 2017** as submitted by the Town Clerk and on motion by Councilman Soto, 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.

**288-17 RESOLVED**, that bills numbered 2012 through 2346 in the amount of \$899,494.69 and Highway bills numbered 390 through 423 in the amount of \$15,701.42 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.

**289-17 RESOLVED**, that the Police Department Activity Report for the month of September 2016 has been submitted and is hereby accepted.

**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 Monday, July 10, 2017 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 (Absent)
Councilman	Hector L. Soto

Supervisor Phillips announced that this Public Hearing is being held for the purpose of hearing all comments and suggestions regarding the property located at 30 Gleason Drive, Thiells, NY 10984 due to the failure of the owner and/or tenant and/or occupant of the above premises to correct a condition complained of, specifically that the grass and/or weeds are significantly overgrown on the property causing a public nuisance.

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

**PRESENTATION BY TOWN ATTORNEY WILLIAM M. STEIN**

Town Attorney William M. Stein stated that George Behn, Building Inspector, presented photographs to the Board showing the condition of the property. Mr. Behn received numerous complaints with regard to this property. The grass and weeds exceed the twelve inch height permitted. Mr. Behn issued violations and was unable to locate a responsible person to maintain the landscaping of the property. Under Section 127-31 of the Town Code, that when there are "Zombie properties" that are in foreclosure or about to be in foreclosure or where there is no longer an interested homeowner living in the house to maintain the outside of the property, and where the grass is overgrown over the allowed height, the Town Board can schedule a Public Hearing to adopt a resolution allowing the Building Inspector to get estimates and hire a private contractor to do the work to maintain the outside of the property. The charges incurred to do the work can then go on to the tax bill of the property.

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.

**BOARD MEMBERS**

The Town Board found that the property had overgrown grass and weeds in violation of the Town Code property maintenance provisions and gave the Building Inspector continuing authorization to retain a contractor to cut the grass during the rest of 2017.

**PUBLIC PARTICIPATION**

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

**CLOSE HEARING**

**290-17** On motion by Councilman Soto, seconded by Councilman Cancel, unanimously adopted, the Public Hearing was closed.

**ADOPT RESOLUTION REGARDING 30 GLEASON DRIVE, THIELLS, NY 10984**

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

**291-17** Whereas the Town Board scheduled a public hearing on June 26, 2017 at 8:15 p.m., pursuant to Town Code §127-31, Property Maintenance - Removal by Town, regarding the failure of the owner of the property located at 30 Gleason Drive, Thiells, New York to maintain the exterior of the premises in accordance with requirements of §127-21 and §127-22 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 July 10, 2017 at 8:05 p.m. and received testimony and exhibits from the Building Inspector as well as neighbors and, the Town Board having found that the property owner has failed to maintain the premises in accordance with requirements of §127-21 and §127-22 of the Town Code entitled Maintenance of Exterior Premises. Now, THEREFORE, BE IT

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RESOLVED, that the Town Board hereby authorizes the Building Inspector to retain private contractors to maintain the exterior of the premises in order that they will be in compliance with Town Code §127-21 and §127-22 with such maintenance to continue throughout the rest of the calendar year 2017, 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.

**CONTINUATION OF PUBLIC HEARING – TO ADOPT LOCAL LAW NO 4 – 2017 TO CONSIDER ADOPTING A LOCAL LAW – OVERLAY ZONE ON ROUTE 202**

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, July 10, 2017 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 (Absent)
Councilman	Hector L. Soto

Supervisor Phillips announced that this is a continuation of a Public Hearing that was being held to consider adopting a local law to add a new section providing for a floating overlay zone to accommodate additional uses along Route 202. Supervisor Phillips also stated that the Board wanted to give the residents the opportunity to make more comments regarding the proposed law.

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

**PUBLIC PARTICIPATION**

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

**BOARD MEMBERS**

No comments.

**CLOSE PUBLIC HEARING**

**292-17** On motion by Councilman Gamboli and seconded by Councilman Soto, unanimously adopted, the Public Hearing was closed.

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**RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 4 OF 2017**  
**AMENDING THE TOWN ZONING CODE**

DATE OF ACTION July 10, 2017

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

**293-17** WHEREAS, as the Town Board desires to create greater flexibility for uses along State Route 202 in order to bring a greater mix of commercial uses and provide for housing for an expanding population of seniors in need of assisted living, and

WHEREAS, The Town Board believes such flexibility can be attained by creating a floating overlay zone that can be applied to individual properties, when it is demonstrated such properties will meet the criteria set forth in the proposed Local Law, and

WHEREAS, the proposed local law was circulated in accordance with General Municipal Law, and

WHEREAS, the Town Board has held duly noticed hearings on the proposed Local Law and received comments.

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 for the foregoing reasons the Town Board hereby adopts Local Law No. 4 of 2017.

SIGNED  
BY: \_\_\_\_\_

ROLL CALL:

AYES: Supervisor Howard T. Phillips, Jr.  
Councilman Isidro Cancel  
Councilman Vincent J. Gamboli  
Councilman Hector L. Soto

NAYS:

ABSTAIN:

ABSENT: Councilman John Gould

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**STATE ENVIRONMENTAL QUALITY REVIEW  
NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

**Project Name: Route 202 Overlay Zone Local Law**

**Date: June 26, 2017**

**Lead Agency: Town Board**

Town of Haverstraw  
One Rosman Road  
Garnerville, NY 10923

**Prepared by: Michael D. Kauker, PP, AICP**

Kauker & Kauker, LLC  
356 Franklin Ave.  
Wyckoff, NJ 07481  
(201) 847-2900

This notice has been prepared in accordance with Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law.

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:** Route 202 Overlay Zone Local Law

**SEQR Status:** Type 1

**Conditioned Negative Declaration:** No

**Description:** Proposed local law to enact zoning criteria and amendments to the Zoning Law, as amended, of the Town of Haverstraw to create an overlay zone along Route 202 in the Town of Haverstraw that would allow application of the overlay zone to properties with frontage along Route 202 that meet certain criteria. The proposed local law which amends the Town of Haverstraw zoning ordinance includes newly permitted uses, definitions, bulk requirements and procedures for applications.

**Location:** Route 202, Town of Haverstraw, Rockland County, New York. **Reasons Supporting**

**This Determination:**

1. The proposed zoning amendment, which would create an overlay zone along Route 202 in the Town of Haverstraw, is not anticipated to result in any adverse environmental impacts for the following reasons.
2. The proposed action is not site specific and is generic in nature and the amendment of the ordinance does not actually result in the actual development of a site but permits the development of a site to occur for the permitted use. Therefore, it is not anticipated that the change in zoning would result in a substantial impact on the environment.
3. No site is actually designated, but the overlay permits sites determined to be appropriate to be designated, after a full review of the potential impacts that may result from designation of a particular site.
4. Any potential impacts resulting from the proposed use would only be realized when a specific site is used for that purpose. It is anticipated that a separate environmental review will be performed and that all of the potential impacts related to the development of a site for a house of worship will be fully reviewed when a specific application is made.
5. It is not anticipated that any of the criteria as described in 6 NYCRR §617.7(c)(1)(i –xii) would be significantly impacted as a result of the zoning amendment.

**BUDGET ADJUSTMENTS FOR PERIOD ENDING IN JUNE 30, 2017**

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

**294-17 RESOLVED, THAT THE SUPERVISOR IS AUTHORIZED TO MAKE BUDGET ADJUSTMENTS FROM THE GENERAL FUND (A) IN THE AMOUNT OF \$227,000.00 THE PART-TOWN FUND (B) IN THE AMOUNT OF \$10,000.00, AND THE HIGHWAY (DA) FUND IN THE AMOUNT OF \$5,000.00 PURSUANT TO THE REPORT OF THE DIRECTOR OF FINANCE FOR THE TOWN OF HAVERSTRAW FOR THE PERIOD ENDING IN JUNE 30, 2017. (SEE ATTACHED BUDGET ADJUSTMENTS).**

				Prepared by	Article	Date
					M6	
				Approved By		
<i>Budget Adjustments</i>						
<i>For period ending June 30, 2017</i>						
<u>General Fund (A)</u>						
	Police Equipment	A 3120.02			50000 <sup>00</sup>	
	Park Dept Equipment	A 7110.02			25000 <sup>00</sup>	
	Community Beautification Contractual	A 8510.04			2000 <sup>00</sup>	
	Interfund Transfers Capital Projects	A 9950.09			150000 <sup>00</sup>	
	Contingency Contractual	A 1990.04				227000 <sup>00</sup>
					227000 <sup>00</sup>	227000 <sup>00</sup>
					✓	✓
<u>Part-Town (B)</u>						
	Safety Inspection Contractual	B 3620.04			10000 <sup>00</sup>	
	Playground Contractual	B 7140.04				10000 <sup>00</sup>
					10000 <sup>00</sup>	10000 <sup>00</sup>
					✓	✓
<u>Highway (DA)</u>						
	Machinery Equipment	DA 5130.02			5000 <sup>00</sup>	
REV	Sale of Equipment	DA 0000.2665				5000 <sup>00</sup>
					5000 <sup>00</sup>	5000 <sup>00</sup>
					✓	✓

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**AUTHORIZATION TO SET TERMS & CONDITIONS OF EMPLOYMENT FOR  
POLICE LIEUTENANTS JANUARY 1, 2017 – DECEMBER 31, 2017**

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

**295-17 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 MARTIN LUND AND LIEUTENANT JOHN HICKEY FROM JANUARY 1, 2017 THROUGH DECEMBER 31, 2017 AS SET FORTH IN THE WRITTEN TERMS AND CONDITIONS DATED JULY 10, 2017.**

**AUTHORIZATION TO SET TERMS & CONDITIONS OF EMPLOYMENT FOR  
POLICE LIEUTENANT- JANUARY 1, 2017 – JUNE 23, 2017**

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

**296-17 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 PETER MURPHY FROM JANUARY 1, 2017 THROUGH JUNE 23, 2017 AS SET FORTH IN THE WRITTEN TERMS AND CONDITIONS DATED JULY 10, 2017.**

**AUTHORIZATION TO SET TERMS & CONDITIONS OF EMPLOYMENT FOR  
POLICE CHIEF JUNE 24, 2017 – DECEMBER 31, 2017**

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

**297-17 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 JUNE 24, 2017 THROUGH DECEMBER 31, 2017 AS SET FORTH IN THE WRITTEN TERMS AND CONDITIONS DATED JULY 10, 2017.**

**AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND DASNY - STATE AND  
MUNICIPAL FACILITIES PROGRAM GRANT**

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

**298-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN**

**AGREEMENT WITH DASNY TO OBTAIN A STATE AND MUNICIPAL FACILITIES PROGRAM (“SAM”) GRANT FOR CONSTRUCTION OF ATHLETIC FIELDS AND PUBLIC ACCESS PIER IN THE SUM OF \$250,000.00.**

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**ACCEPTANCE OF LETTER OF RETIREMENT – JOHN HICKEY, LIEUTENANT**

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

**299-17 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HEREBY ACCEPT THE LETTER OF RETIREMENT FOR LIEUTENANT, TOWN OF HAVERSTRAW POLICE DEPARTMENT, JOHN HICKEY, EFFECTIVE JULY 25, 2017.**

**AMENDMENT OF AGREEMENT WITH LEO LADERS POST 130**

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

**300-17 RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH LEO LADERS POST 130 TO INCREASE THE AMOUNT THEY RECEIVE BY THE SUM OF \$7,500.00 FOR FISCAL YEAR 2017.**

**PUBLIC PARTICIPATION**

No comments

**ANNOUNCEMENTS**

We had an extraordinary Fourth of July Fireworks celebration on Sunday, July 2<sup>nd</sup> at Bowline Point Park. Supervisor Howard Phillips thanked the Parks Department, the Highway Department, the Haverstraw Police Department, the Haverstraw Fire Department, the Haverstraw Ambulance Corps and all the other Law Enforcement Agencies that helped us make this celebration a great success. Also, our Director of Finance, Michael Gamboli for selecting the band for the concert.

Our Thursday Night Open Air Concerts started on Thursday, July 6<sup>th</sup> with the Alive N Kickin Band performing.

The United Latin Festival and Parade will be held on Sunday, August 6<sup>th</sup>. The parade starts at 12:00 pm followed by the festival.

We will be having two Dancing Under the Stars in August.

The 8<sup>th</sup> Annual Town of Haverstraw Air Show is scheduled for Saturday, August 12<sup>th</sup> from 10:00 am to 4:00 pm at the Scenic Riverfront Park. Hope you can join us for this great event.

Our golf course is in excellent condition and is doing exceptionally well.

Bowline Point Park looks amazing and has been packed during the weekends.

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**ADJOURNMENT**

**301-17** Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Angelina Gizzi, Virginia Guelcher, Thomas Schaub, Arthur Danielson, and Roger Mason 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.

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**RAQUEL VENTURA**  
Town Clerk