

TOWN BOARD
GARNERVILLE, NY
OCTOBER 28, 2019

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, October 28, 2019, 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	Hector L. Soto (Absent)

ADOPTION OF MINUTES

401-19 ADOPTION OF MINUTES - TOWN BOARD MEETING OF OCTOBER 15, 2019 as submitted by the Town Clerk and on motion by Councilman Gould, seconded by Councilman Gamboli were unanimously adopted.

PAYMENT OF BILLS

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

402-19 RESOLVED, that bills numbered 3287 through 3405 in the amount of \$201,474.64 and Highway bills numbered 514 through 535 in the amount of \$17,005.07 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

403-19 RESOLVED, that Police Department Activity Report for the month of September 2019 has been submitted and is hereby accepted.

**PRESENTATION OF DISTINGUISHED SERVICE AWARDS FOR
HISPANIC HERITAGE MONTH**

SET DATE FOR PUBLIC HEARING - 2020 PRELIMINARY TOWN BUDGET

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

404-19 RESOLVED, THAT THE TOWN CLERK BE AND SHE HEREBY IS AUTHORIZED TO PUBLISH A NOTICE THAT A PUBLIC HEARING SHALL BE HELD ON THE PRELIMINARY TOWN BUDGET FOR THE TOWN OF HAVERSTRAW FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020, AT THE TOWN HALL, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, ON WEDNESDAY, NOVEMBER 6, 2019 AT 6:00 P.M., AND THAT ALL INTERESTED PARTIES ARE INVITED TO ATTEND AND SHALL BE HEARD BY THE BOARD, AND BE IT FURTHER

TOWN BOARD
GARNERVILLE, NY
OCTOBER 28, 2019

RESOLVED, THAT PURSUANT TO THE PROVISIONS OF THE TOWN LAW THE PROPOSED ANNUAL SALARIES ARE HEREBY SPECIFIED AS FOLLOWS:

SUPERVISOR	\$137,801.65
COUNCILMAN (EACH)	\$30,000.00
TOWN CLERK	\$90,499.65
HIGHWAY SUPERINTENDENT	\$107,105.63

CHANGE OF MEETING DATE – VETERAN’S DAY

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

405-19 WHEREAS, THE FIRST MEETING OF THE TOWN BOARD OF THE TOWN OF HAVERSTRAW IN NOVEMBER, IS SCHEDULED FOR MONDAY, NOVEMBER 11, 2019, THE LEGAL HOLIDAY FOR THE OBSERVANCE OF VETERAN’S DAY, NOW, THEREFORE, BE IT

RESOLVED, THAT THE TOWN CLERK IS AUTHORIZED TO PUBLISH A NOTICE THAT SAID MEETING IS HEREBY RESCHEDULED FOR TUESDAY, NOVEMBER 12, 2019, AT 7:00 P.M.

AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH CLUB CAR, INC. FOR RENTAL OF GOLF CARTS AND CONNECTED STOP AND GO

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

406-19 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO A LEASE AGREEMENT WITH CLUB CAR, INC. OF BROOKFIELD, CONNECTICUT AND/OR ITS FINANCING PARTNER, FOR A FIVE (5) YEAR TERM, SIX (6) MONTHLY PAYMENTS FROM APRIL THROUGH SEPTEMBER AT A MONTHLY FEE OF \$14,240.80 FOR SEVENTY-TWO (72) NEW TEMPO GAS GOLF CARTS, THREE (3) 2019 DEMO GAS CARS FOR RANGER USE, THREE (3) 2020 CARRYALL 502 GAS UTILITY VEHICLES, ONE (1) REFURBISHED CARRYALL TO TON CARTS, AND AN ADDITIONAL \$2,160.00 FOR THE CONNECTED STOP AND GO FEATURE ON CARTS.

RESOLUTION TO APPROVE A LEASE AGREEMENT; APPROVE EXPEDITED LAND USE REVIEW FOR THE FACILITY CONTEMPLATED THEREUNDER; AND ADOPT A SEQRA NEGATIVE DECLARATION RELATED THERETO

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

407-19 WHEREAS, THE TOWN OF HAVERSTRAW (“TOWN”) IS THE OWNER OF THE PROPERTY LOCATED AT 64 WEST RAMAPO ROAD AND DESIGNATED ON THE TAX MAP AS SECTION 26.09, BLOCK 5, LOT 46 (“PROPERTY”); AND

WHEREAS, THE TOWN AND NEW CINGULAR WIRELESS PCS, LLC A PUBLIC UTILITY WIRELESS COMMUNICATION CARRIER, DESIRE TO ENTER INTO A LEASE AGREEMENT (“LEASE”) IN THE FORM ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT A, FOR THE PURPOSE OF PROVIDING A COLLOCATION FACILITY FOR USE ON THE VERIZON WIRELESS FLAGPOLE ANTENNA (“FACILITY”) CONSISTING OF APPROXIMATELY 240 SQUARE FOOT

TOWN BOARD
GARNERVILLE, NY
OCTOBER 28, 2019

FENCED COMPOUND, IN ORDER TO IMPROVE WIRELESS COMMUNICATION SERVICE TO THE TOWN, INCLUDING 911 EMERGENCY SERVICES, AND

WHEREAS, IT IS RECOGNIZED UNDER NEW YORK STATE LAW THAT TOWNS ARE ACCORDED CERTAIN “IMMUNITY” FROM LOCAL ZONING REGULATIONS AND THE LEADING NEW YORK COURT OF APPEALS DECISION, MATTER OF COUNTY OF MONROE V CITY OF ROCHESTER, 72 N.Y.2D 338, 533 N.Y.S.2D 702 (“MONROE”), ESTABLISHES THE “BALANCING OF THE INTERESTS” APPROACH FOR DETERMINING WHETHER A PROJECT SHOULD BE ACCORDED IMMUNITY FROM LOCAL LAND USE/ZONING REGULATIONS.

NOW, THEREFORE, THE TOWN BOARD HAS ADOPTED THE FOLLOWING FINDINGS:

FIRST, THE TOWN HAS: (A) CLASSIFIED THE ACTION OF APPROVING THE LEASE AND INSTALLATION OF THE FACILITY IN CONNECTION THEREWITH AS AN UNLISTED ACTION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”); (B) DECLARED ITSELF LEAD AGENCY AS THERE ARE NO OTHER INVOLVED AGENCIES; AND (C) ADOPTED A NEGATIVE DECLARATION FINDING THAT THE FACILITY WILL HAVE NO SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT SINCE AMONG OTHER THINGS, THE FACILITY HAS BEEN STRATEGICALLY DESIGNED AND LOCATED ON THE HEAVILY VEGETATED SITE, THE FACILITY WILL HAVE NO IMPACT ON TRAFFIC AS THE PROPOSED USE IS UNMANNED REQUIRING INFREQUENT MAINTENANCE VISITS OF APPROXIMATELY ONCE A MONTH, THE FACILITY WILL NOT PRODUCE ANY ADVERSE ENVIRONMENTAL EFFECTS SUCH AS SMOKE, GAS, ODOR, HEAT, DUST, FUMES, OR VIBRATIONS, AND WILL NOT GENERATE SOLID WASTE, WASTE WATER OR SEWAGE, AND WILL NOT REQUIRE WATER SUPPLY, OR WASTE DISPOSAL;

SECOND, THE DEMISED PREMISES SET FORTH IN THE LEASE IS FOR TOWN PROPERTY NOT PRESENTLY BEING UTILIZED BY THE TOWN AND NOT ANTICIPATED TO BE NEEDED BY THE TOWN OVER THE TERM OF THE LEASE, AND THE RENTAL SET FORTH IN THE LEASE IS FAIR MARKET VALUE AND THE LEASE IS IN THE BEST INTERESTS OF THE TOWN AND ITS RESIDENTS; PURSUANT TO SECTION 64(2) OF NEW YORK STATE TOWN LAW, THE TOWN HAS THE AUTHORITY TO ENTER INTO THE LEASE SUBJECT TO PERMISSIVE REFERENDUM; AND

THIRD, THE TOWN HAS ANALYZED THE FACTORS UNDER MONROE AND DETERMINED THAT THE FACILITY SHOULD BE EXEMPT FROM THE TOWN OF HAVERSTRAW LAND USE/ZONING REGULATIONS SINCE, AMONG OTHER THINGS, (A) THE FACILITY WILL PROTECT AND PROMOTE THE PUBLIC INTEREST BY PROVIDING THE COMMUNITY WITH WIRELESS COMMUNICATION SERVICES FOR PROTECTING PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING THE PROVISION OF ENHANCED 911 SERVICES AND OTHER ESSENTIAL SERVICES FOR RESPONDING TO ACCIDENTS, NATURAL DISASTERS AND OTHER DANGERS, (B) IMPOSING LOCAL LAND USE/ZONING REGULATIONS ON THE PROPOSED FACILITY WOULD HAVE THE EFFECT OF UNREASONABLY DELAYING AN ESSENTIAL PUBLIC NEED FOR IMMEDIATE AND EFFECTIVE EMERGENCY RESPONSE AND RELIABLE WIRELESS COMMUNICATIONS, (C) THE FACILITY WILL BE LOCATED WITHIN THE MUNICIPAL BORDERS OF THE TOWN AND THEREFORE THERE IS NO ENCROACHING ENTITY.

TOWN BOARD
GARNERVILLE, NY
OCTOBER 28, 2019

NOW THEREFORE BE IT:

RESOLVED, THAT SUBJECT TO PERMISSIVE REFERENDUM, THE LEASE BETWEEN THE TOWN AND NEW CINGULAR WIRELESS PCS, LLC IS APPROVED AND THE SUPERVISOR IS AUTHORIZED TO EXECUTE SAME;

RESOLVED, THAT BASED UPON THE FOREGOING BALANCING OF INTERESTS, IT IS NOT IN THE PUBLIC INTEREST TO SUBJECT THE FACILITY TO LOCAL LAND USE/ZONING REGULATIONS AND HENCE THE FACILITY WILL BE PERMITTED BY BUILDING PERMIT WITH REVIEW OF THE PLANS BY THE TOWN ENGINEER; AND

RESOLVED, THAT THE NEGATIVE DECLARATION PREPARED IN CONNECTION WITH THE LEASE IS HEREBY ADOPTED.

**ACCEPTANCE OF RESIGNATION OF ERIC DESCH – TOWN OF HAVERSTRAW
PLANNING BOARD**

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

408-19 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY ACCEPTS THE RESIGNATION OF ERIC DESCH FROM THE TOWN OF HAVERSTRAW PLANNING BOARD EFFECTIVE OCTOBER 15, 2019.

**1 DENIAL OF PROTEST OF NEW CINGULAR WIRELESS PCS, LLC PURSUANT TO
TOWN CODE SECTION 167-8.2**

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

409-19 WHEREAS, NEW CINGULAR WIRELESS, PCS, LCC (“CINGULAR”) HAS SUBMITTED A PROPOSAL FOR A WIRELESS COMMUNICATIONS FACILITY AT 16 THIELLS MOUNT IVY ROAD POMONA, NY 10970, NEW YORK, AND

WHEREAS, THE TOWN OF HAVERSTRAW HAS RETAINED THE SERVICES OF THE CENTER FOR MUNICIPAL SOLUTIONS LOCATED AT 70 CAMBRIDGE DRIVE, GLENMONT, NEW YORK 12077, TO REVIEW THE APPLICATION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY, AND

WHEREAS, CINGULAR HAS POSTED IN ESCROW WITH THE TOWN OF HAVERSTRAW TO BE USED TOWARDS THE REIMBURSEMENT OF THE SERVICES PROVIDED BY THE CENTER FOR MUNICIPAL SOLUTIONS AND OTHER PROFESSIONALS, AND

WHEREAS, CINGULAR HAS PROTESTED THE CHARGES SUBMITTED BY THE CENTER FOR MUNICIPAL SOLUTIONS IN A LETTER DATED SEPTEMBER 18, 2019 IN ACCORDANCE WITH TOWN CODE §167-8.2, AND

WHEREAS, THE TOWN HAS REQUESTED A RESPONSE FROM THE CENTER FOR MUNICIPAL SOLUTIONS.

RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HAS REVIEWED THE DISPUTE LETTER OF CINGULAR WITH EXHIBITS, THE BILLING OF THE CENTER FOR MUNICIPAL SOLUTIONS AND THEIR RESPONSE LETTER OF OCTOBER 3, 2019 AND HEREBY FINDS THAT THE CHARGES WERE FAIR AND REASONABLE, AND DENIES THE PROTEST OF NEW CINGULAR WIRELESS PCS, LLC

TOWN BOARD
GARNERVILLE, NY
OCTOBER 28, 2019

**APPOINTMENT OF TOMMY VANSKYOCK, JR. TO THE ASSISTANT
AUTOMOTIVE MECHANIC POSITION**

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

410-19 RESOLVED, THAT UPON THE RECOMMENDATION OF GEORGE E. WARGO, JR., SUPERINTENDENT OF HIGHWAYS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT TOMMY VANSKYOCK, JR. OF HIGHLAND FALLS, NEW YORK TO THE POSITION OF ASSISTANT AUTOMOTIVE MECHANIC, FULL TIME, PERMANENT FOR THE TOWN OF HAVERSTRAW HIGHWAY DEPARTMENT EFFECTIVE OCTOBER 29, 2019, AND BE IT FURTHER

RESOLVED, THAT MR. VANSKYOCK SHALL RECEIVE AN HOURLY RATE OF \$35.08, AND BE IT FURTHER

RESOLVED, THAT THIS APPOINTMENT IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL, AND MR. VANSKYOCK SHALL SERVE A PROBATION PERIOD OF SIX (6) MONTHS.

PUBLIC PARTICIPATION

Louis Morris, Richard Court, Pomona, NY commended the Town for doing a wonderful job on the Beautification of the Town of Haverstraw project on the corner of Thiells Mt. Ivy Road and Route 202.

Dan Patrick from Cuddy & Feder Law Firm in White Plains, NY, representing AT&T, asked the Board to reconsider their decision regarding their protest to the charges submitted by the Center for Municipal Solutions to review the application for the proposed wireless communications facility at 16 Thiells Mt. Ivy Road, Pomona, NY.

Supervisor Phillips stated that the Town will take a look at his request.

ANNOUNCEMENTS

The Town of Haverstraw Highway Department Open House was held on October 19th and was very well attended.

The Annual Town of Haverstraw Halloween Festival was held on Saturday, October 26th from 12 Noon to 4 pm. The kids received goody bags, hot dogs, and drinks. They also enjoyed the haunted house, hay rides, music and other rides. We had a great costume contest and the winners received a prize. It was a great day.

The 4th Annual Taste of North Rockland hosted by the North Rockland Lions and North Rockland Rotary will be held on Thursday, November 7th from 6-8 pm at the West Haverstraw Village Hall. A portion of the proceeds will benefit Leo Laders American Legion Post 130 and the Center for Safety & Change. We hope you can attend this great event.

Leo Laders Post 130 will be hosting a Veteran's Day Service on Monday, November 11th at Calico Hill in West Haverstraw. We want to remember and honor all of our veterans and the service they gave to our country.

We would like to express our sincere sympathy and condolences to Detective Greg Gaynor and the Town of Haverstraw Police Department on the passing of Chase, the Haverstraw Police Department's first ever K-9 Officer. Chase started serving our community in 2011 and completed his tireless service this past October. He will be missed and never forgotten.

TOWN BOARD
GARNERVILLE, NY
OCTOBER 28, 2019

ADJOURNMENT

411-19 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Michael Phillip Dentico, John Jack Geraghty, Edwin F. Price, Mary Strack, Rudolph Stephen Bottini, Annie Coyle, Liesel Hermann, Gerald (Jerry) Costanza and Geral Greenlaw who recently passed away. A motion was made by Councilman Gould, seconded by Councilman Cancel and unanimously adopted and the Town Board Meeting was adjourned.

**RAQUEL VENTURA
TOWN CLERK**