

TOWN BOARD
GARNERVILLE, NY
OCTOBER 26, 2020

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, October 26, 2020 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

355-20 **ADOPTION OF MINUTES - TOWN BOARD MEETING OF OCTOBER 13, 2020** as submitted by the Town Clerk and on motion by Councilman Gamboli, seconded by Councilman Cancel were unanimously adopted.

PAYMENT OF BILLS

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

356-20 **RESOLVED**, that bills numbered 2817 through 2958 in the amount of \$692,725.90 and Highway bills numbered 411 through 422 in the amount of \$8,490.86 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

None.

RENEWAL OF AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND ASSETWORKS RISK MANAGEMENT, INC.

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

357-50 **RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ASSETWORKS RISK MANAGEMENT, INC. TO PROVIDE PROFESSIONAL INVENTORY SERVICES TO PERPETUATE THE FIXED ASSETS DATA FROM PREVIOUS INVENTORIES AND PROVIDE UPDATED REPORTS FOR ACCOUNTING COMPLIANCY TO THE TOWN OF HAVERSTRAW FOR A PERIOD OF (3) YEARS 2021, 2022 AND 2023 AT A YEARLY COST OF \$4,800.00, \$4,900.00 AND \$5,000.00 RESPECTIVELY.**

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RESOLUTION OF THE TOWN OF HAVERSTRAW TOWN BOARD TO APPROVE A LEASE AGREEMENT; APPROVE EXPEDITED LAND USE REVIEW FOR THE FACILITY CONTEMPLATED THEREUNDER; AND ADOPT A SEORA NEGATIVE DECLARATION RELATED THERETO

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

358-20 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 DESIRE TO ENTER INTO A LEASE AGREEMENT (“LEASE”) IN THE FORM ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT A, FOR THE PURPOSE PROVIDING A COLLOCATION FACILITY FOR A PUBLIC UTILITY WIRELESS COMMUNICATION CARRIER; THE AREA WILL BE APPROXIMATELY 250 SQUARE FEET.

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

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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, AND (D) THE PROPOSED LOCATION OF THE FACILITY AT THE PROPERTY IS IDEAL IN ORDER TO MINIMIZE IMPACTS TO THE GREATEST EXTENT FEASIBLE AS THE FACILITY HAS BEEN STRATEGICALLY DESIGNED AS A FLAGPOLE, WHICH FLAGPOLE WILL CONCEAL THE ANTENNAS AND FLY AN AMERICAN FLAG PROMOTING THE PATRIOTIC VALUES OF THE TOWN, AND THE FACILITY WILL BE SCREENED BY EXISTING MATURE VEGETATION AT THE PROPERTY, SUCH THAT THERE ARE NO FEASIBLE ALTERNATE LOCATIONS FOR THE FACILITY. MOREOVER, BY CONTROLLING THE LOCATION OF THE FACILITY ON MUNICIPAL PROPERTY, THE TOWN CAN ENSURE THAT THERE IS ADEQUATE INFRASTRUCTURE IN PLACE FOR THE LOCATION OF WIRELESS COMMUNICATION ANTENNAS, WHILE CONTROLLING THE PROLIFERATION OF NEW TOWERS.

NOW THEREFORE BE IT:

RESOLVED, THAT SUBJECT TO PERMISSIVE REFERENDUM, THE LEASE BETWEEN THE TOWN AND VERIZON WIRELESS 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.

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SET DATE FOR PUBLIC HEARING – 2021 PRELIMINARY TOWN BUDGET

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

359-20 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, 2021, AT THE TOWN HALL, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, ON THURSDAY, NOVEMBER 5, 2020 AT 7:00 P.M., AND THAT ALL INTERESTED PARTIES ARE INVITED TO ATTEND AND SHALL BE HEARD BY THE BOARD, AND BE IT FURTHER

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

SUPERVISOR	\$141,246.70
COUNCILMAN (EACH)	\$30,750.00
TOWN CLERK	\$92,710.89
HIGHWAY SUPERINTENDENT	\$109,783.27

RFQ NO. 15 – 2020 – REMOVE DESIGNATED TREES HANGING OVER ROADWAY, WIRES, FENCE AND GOLF COURSE

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

360-20 RESOLVED, THAT TWO (2) RFQs WERE SUBMITTED TO GEORGE BEHN, BUILDING INSPECTOR, FOR THE SERVICE OF REMOVING DESIGNATED TREES HANGING OVER ROADWAY, WIRES, FENCE AND THE ROTELLA PHILIP J. MEMORIAL GOLF COURSE , AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAVERSTRAW DOES HEREBY AWARD RFQ NO. 15 - 2020 TO CEDAR POND TREE & CRANE SERVICE OF STONY POINT, NEW YORK AT A COST OF \$2,950.00, THE LOW BIDDER.

APPROVAL FOR EMERGENCY SEWER REPAIR AT 9 AND 11 RAMAPO ROAD, GARNERVILLE, NY

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

361-20 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY APPROVES THE EMERGENCY SEWER REPAIR TO REPLACE 120 FT 4” SEWER WITH 6” DUCTILE IRON PIPE, INSTALL 6” DUCTILE IRON CLEAN OUT, TRENCH PAVE DRIVEWAY AND SEED AND HAY DISTURBED AREA AT 9 AND 11 RAMAPO ROAD, GARNERVILLE, NY BY VICTOR P. ZUGIBE, INC. FROM GARNERVILLE, NEW YORK AT A COST OF \$22,550.00 FOR MATERIAL AND LABOR.

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**MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HAVERSTRAW
PATROLMEN'S BENEVOLENT ASSOCIATION AND THE TOWN OF
HAVERSTRAW**

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

362-20 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF HAVERSTRAW PATROLMEN'S BENEVOLENT ASSOCIATION IN REGARD TO THE TOWN OF HAVERSTRAW POLICE DEPARTMENT'S CANINE UNIT.

**AWARD OF RFQ NO. 16 - 2020- THE PURCHASE OF THREE (3) FLASHBACKHD IN
CAR VIDEO SYSTEMS FOR POLICE PATROL CARS**

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

363-20 RESOLVED, THAT ONE (1) REQUEST FOR QUOTE WAS SUBMITTED TO PETER MURPHY, CHIEF OF POLICE, FOR THE PURCHASE OF THREE (3) FLASHBACKHD IN CAR VIDEO SYSTEMS FOR POLICE PATROL CARS, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD RFQ NO. 16 - 2020 TO COBAN TECHNOLOGIES, INC. OF HOUSTON, TEXAS, THE SOLE PROVIDER, AT A TOTAL COST OF \$17,415.00.

**AWARD OF RFQ NO. 17 - 2020- DEMOLISH AND REMOVE HOUSE FROM SITE -
498 WILLOW GROVE ROAD, TOWN OF HAVERSTRAW**

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

364-20 RESOLVED, THAT THREE (3) REQUEST FOR QUOTES WERE SUBMITTED TO GEORGE BEHN, BUILDING INSPECTOR, FOR THE DEMOLITION AND REMOVAL OF THE HOUSE LOCATED AT 498 WILLOW GROVE ROAD, TOWN OF HAVERSTRAW, ACCORDING TO THE SPECIFICATIONS DRAWN UP BY PAT BRADY, P.E. AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY AWARD RFQ NO. 17 - 2020 TO VICTOR P. ZUGIBE INC. OF GARNERVILLE, NEW YORK , AT A COST OF \$17,500.00, THE LOW BIDDER.

PUBLIC PARTICIPATION

No comments.

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ANNOUNCEMENTS

Early voting for the 2020 General Election is from October 24th to November 1st. Rockland County registered voters may access any of the four early voting locations: Clarkstown Town Hall, Haverstraw Town Hall, Orangetown Town Hall and Ramapo Town Hall. For more information please call the Board of Elections at 845-638-5172 or visit www.voterockland.com.

The Town of Haverstraw Drive Boo (Thru) Halloween will be held on Friday, October, 30th from 3-6 pm at Bowline Point Park for Town of Haverstraw residents. Children 12 and under will receive a goody bag and must be accompanied by an adult.

ADJOURNMENT

365-20 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Anthony C. Woznick, Anthony Celentano, Joseph Sottovia, John J. Shankey, Jacqueline "Paula" Coupet and Dennis F. Collins 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.

MARISOL CANCEL
DEPUTY TOWN CLERK