

TOWN BOARD  
GARNERVILLE, NY  
DECEMBER 20, 2021

The Town Board of the Town of Haverstraw held a Special Meeting on Monday, December 20, 2021 at 3:30 pm. 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 TAX RATES FOR 2022**

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

**435-21        RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, BASED UPON THE RECOMMENDATION OF MICHAEL J. GAMBOLI, DIRECTOR OF FINANCE, DOES HEREBY ADOPT THE ESTABLISHMENT OF THE TAX RATES FOR THE TOWN OF HAVERSTRAW FOR 2022 AS FOLLOWS:**

2022 TAX RATE PER \$1,000

County Tax Rate	\$ 4.015
R.C.S.W.A. Disposal Charges	\$0.45427
R.C.S.W.A. G.W.U.	\$39.48
R.C.S.W.A. H.H.W.U.	\$14.62
R.C.S.W.A. T.S.F.U	\$23.01
R.C.S.W.A. M.R.F.U.	\$37.40
R.C.S.W.A.C.O.C.O.	\$17.87
Town Tax Rate for Village of West Haverstraw,Village of Haverstraw, Pomona and Unincorporated Section of Town - <b>HOMESTEAD</b>	\$ 6.596
Town Tax Rate for Village of West Haverstraw,Village of Haverstraw, Pomona and Unincorporated Section of Town – <b>NON-HOMESTEAD</b>	\$22.467
Part Town - <b>Homestead</b>	\$ 0.567
Part Town – <b>Non-Homestead</b>	\$ 1.828
Highway Part Town - <b>Homestead</b>	\$ 0.838
Highway Part Town – <b>Non-Homestead</b>	\$ 2.705
Lighting District - <b>Homestead</b>	\$ 0.036
Lighting District – <b>Non-Homestead</b>	\$ 0.155
Water District - <b>Homestead</b>	\$ 0.162
Water District – <b>Non-Homestead</b>	\$ 1.007
Thiells-Roseville Fire District - <b>Homestead</b>	\$ 0.617
Thiells-Roseville Fire District – <b>Non-Homestead</b>	\$ 5.330
Moleston Fire District - <b>Homestead</b>	\$ 0.515
Moleston Fire District – <b>Non-Homestead</b>	\$ 1.407
Ambulance - <b>Homestead</b>	\$ 0.166
Ambulance - <b>Non-Homestead</b>	\$ 0.598
Sewer District #1 - <b>Homestead</b>	\$ 0.113
Sewer District #1 – <b>Non-Homestead</b>	\$ 0.529
Sewer District #2 - <b>Homestead</b>	\$ 0.052
Sewer District #2 – <b>Non-Homestead</b>	\$ 0.083
Sewer District #3 - <b>Homestead</b>	\$ 0.112

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Sewer District #3 - Non-Homestead		\$ 0.256
Sewer Unit Charge	Per Unit	\$216.50
V.H.G.C. Sin.Fam. 1X	(Rate for 12 Months)	\$426.42
V.H.G.C. Two Fam. 1X	“	\$746.13
V.H.G.C. Three Fam. 1X	“	\$962.27
V.H.G.C. Mixed Use 1X	“	\$1,289.19
V.H.G.C. Sin.Fam.2X	“	\$544.42
V.H.G.C. Two Fam. 2X	“	\$818.07
V.H.G.C. Three Fam. 2X	“	\$1,064.32
V.H.G.C. Mixed Use 2X	“	\$1,322.48
V.H.G.C. Sin.Fam. 3X	“	\$674.03
V.H.G.C. Two Fam. 3X	“	\$000.00
V.H.G.C. Three Fam. 3X	“	\$1,177.46
V.H.G.C. Mixed Use 3X	“	\$1,466.68
Town Garbage		
T.H.G. One Family	“	\$229.32
T.H.G. Two Family	“	\$300.00
T.H.G. Three Family	“	\$372.00

**APPROVAL OF CHANGE ORDER NO. 3 FOR THE CONSTRUCTION OF PHASE 1  
OF THE HAVERSTRAW RECREATION COMPLEX – HAVERSTRAW RECREATION  
CENTER MULTI FIELD & BASEBALL FIELD**

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

**436-21        BASED UPON THE RECOMMENDATION OF SUBURBAN ENGINEERING, TOWN CONSULTING ENGINEERS, THE TOWN BOARD HEREBY APPROVES CHANGE ORDER NO. 3 WITH FIELDTURF USA, INC. OF CALHOUN, GEORGIA FOR ADDITIONAL CONCRETE WORK AT A COST OF \$97,684.00.**

**AUTHORIZATION TO RESPOND TO A FREEDOM OF INFORMATION LAW  
("FOIL") REQUEST**

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

**437-21        RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HEREBY AUTHORIZE TOWN ATTORNEY WILLIAM STEIN TO RESPOND TO A FREEDOM OF INFORMATION LAW ("FOIL") REQUEST SUBMITTED BY MAUREEN PEHUSH.**

**PUBLIC PARTICIPATION**

None.

**ADJOURNMENT**

**438-21        Motion was made by Councilman Gamboli and seconded by Councilman Cancel to adjourn the Special Meeting.**

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**RAQUEL VENTURA  
TOWN CLERK**



WILLIAM M. STEIN  
Town Attorney

**TOWN OF HAVERSTRAW**  
ONE ROSMAN ROAD  
GARNERVILLE, NY 10923

(845) 429-2200  
(845) 429-4701 Fax

December 20, 2021

**Via E-Mail & U.S. Mail**

Maureen Pehush  
1 Dawson Road  
Thiells, NY 10984

PehushM@Ramapo.NY.GOV

Re: Appeal from Freedom of Information Law Request

Dear Ms. Pehush:

I am the Town Attorney for the Town of Haverstraw and am writing to you on behalf and at the direction of the Town of Haverstraw Town Board, the body designated by Town Code § 130-8(C) to hear appeals from Freedom of Information Law<sup>1</sup> ("FOIL") requests. I am writing in response to your appeal dated December 8, 2021<sup>2</sup> alleging that the Town denied your FOIL request dated November 1, 2021.<sup>3</sup> This response is timely provided within 10 business days of the Town's receipt of your appeal.<sup>4</sup>

As an initial matter, it should be clear that the Town never denied your FOIL request and the Town followed the procedures required by law. You submitted your FOIL request to the Town Clerk and Town Building Inspector via e-mail at 4:51 p.m. on Monday, November 1, 2021,<sup>5</sup> which is the close of business for Town Hall. Further, on Tuesday, November 2, 2021 Town Hall was closed for Election Day. Accordingly, your FOIL request was not received by the Town Clerk and Building Inspector until November 3, 2021. Within five business days of receipt of your FOIL request, on November 10, 2021, the Building Inspector sent you a written acknowledgement of receipt of your request with an approximate response date of December 3, 2021.<sup>6</sup>

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<sup>1</sup> Public Officers Law, Article 6.

<sup>2</sup> Attached as Exhibit "A".

<sup>3</sup> Attached as Exhibit "B".

<sup>4</sup> Public Officers Law § 89(4)(a).

<sup>5</sup> See Exhibit "B".

<sup>6</sup> Attached as Exhibit "C". See Public Officers Law § 89(3)(a).

The Town then began diligently working to compile the records responsive to your request. However, in order to save the taxpayers money, the Town operates with a streamlined staff and in addition to performing their normal duties, these limited individuals were also charged with researching, locating and reviewing the documents responsive to your lengthy and extensive request seeking 12 different categories of documents from multiple departments and over a dozen individuals.<sup>7</sup> In addition, Town Hall was closed on Thursday, November 11, 2021 for Veteran's Day and Thursday, November 25 and Friday, November 26, 2021 for the Thanksgiving holiday.

As a result, the Town was still reviewing and compiling the records responsive to your request on the December 3, 2021 anticipated response date. You were informed by Town staff that the Town had not denied your FOIL request and was processing it. But yet even with this knowledge, on December 8, 2021 you filed the instant appeal.<sup>8</sup> The Town would have been able to provide you the responsive documents days, if not a week, earlier had the Town not had to divert its limited resources to also investigate and respond to your appeal.

Notwithstanding the foregoing, below is a Dropbox link to a PDF document containing records in the Town's possession responsive to your request and subject to disclosure under FOIL. As you can see, the document contains nearly 848 pages of records from multiple departments, files and individuals, thus demonstrating the extensive time and effort undertaken by Town staff to respond to this request. As a result, it is too large to send via e-mail.

<https://www.dropbox.com/s/rkqt1sl123qi8xr/PDF%20Pehush%20FOIL%20docs.pdf?dl=0>

Please note that the Town has not located any records responsive to your request numbers 1, 2, 3, 4, 5 or 7. With respect to your request number 12, we are not clear exactly what you are seeking and therefore we have included the Town's Master Plan. In addition, to the extent your request 9 can be interpreted as seeking emails by and among Town Board and Planning Board members, Town building department staff and Town engineering and planning consultants related to 62 Riverglen Cong. Khal Torah of Mount Ivy, these are exempt from disclosure under FOIL. Any relevant communications in the Town's possession are related to the 62 Riverglen application before the Planning Board and are intra-agency communications that do not contain: (i) statistical or factual tabulations or data; (ii) instructions to staff that affect the public; (iii) final agency policy or determination; or (iv) external audits.<sup>9</sup> The intra-agency exemption has been held to apply to outside consultants to the municipality.<sup>10</sup> In addition, with respect to several of those communications, the Town Planning Board attorney was included on or drafted the email for the purpose of giving legal advice or to obtain information in her capacity as Planning Board attorney for the purpose of giving legal advice, and therefore those communications are further

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<sup>7</sup> See Exhibit "B".

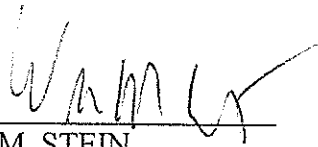
<sup>8</sup> Attached as Exhibit "C".

<sup>9</sup> Public Officers Law § 87(2)(g).

<sup>10</sup> *Madera v. Elmont Public Library*, 101 A.D.3d 726, 727-28 (2d Dep't 2012).

capacity as Planning Board attorney for the purpose of giving legal advice, and therefore those communications are further exempt from disclosure under FOIL as privileged and confidential attorney-client communications.<sup>11</sup> As the Town is a municipal corporation, the attorney-client privilege applies to outside counsel<sup>12</sup> and agents of the corporation.<sup>13</sup>

In light of the foregoing, we consider this request fully-addressed and this matter closed.



WILLIAM M. STEIN  
Town Attorney

cc: Via U. S. Mail  
Committee on Open Government

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<sup>11</sup> See Public Officers Law § 87(2)(a) as being specifically exempted from disclosure by state statute CPLR § 4503.

<sup>12</sup> *Rossi v. Blue Cross and Blue Shield of Greater New York*, 73 N.Y.2d 588, 593 (1989).

<sup>13</sup> *Orbit One Communications, Inc. v. Numerex Corp.*, 255 F.R.D. 98, 104 (S.D.N.Y. 2008), citing, *Securities and Exchange Commission v. Credit Bancorp, Ltd.*, 96 F. Supp. 2d 357, 359 (S.D.N.Y. 2000) and *Upjohn Co. v. U.S.*, 449 U.S. 383, 389-90 (1981).