

TOWN BOARD
GARNERVILLE, NY
MAY 11, 2009

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, May 11, 2009 at 8:00 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

PUBLIC HEARING – PROPERTY MAINTENANCE

Supervisor Phillips announced that this public hearing is being held for the purpose of considering adopting a local law to amend Chapter 127 Section 127-14b entitled, “Penalties for Offenses” to increase penalties for landscapers who do not obtain licenses in the Town of Haverstraw.

PRESENTATION BY WILLIAM M. STEIN, TOWN ATTORNEY

William M. Stein, Town Attorney stated that landscapers in the Town of Haverstraw are required to obtain a license permit. If they are violating any provisions of this chapter, a fine not exceeding \$250 for the first offense will be issued, and \$500 for a second offense. The Town felt that the old fines were not proportioned and therefore an increase is being considered, which are more realistic fines.

PUBLIC PARTICIPATION

Martin Bagrosky, Oakwood Lane, Thiells stated that he agrees with the raise of the fines. Mr. Bagrosky stated that he notices three guys hanging off the back of a trailer and wanted to know if this was a violation.

Supervisor Phillips stated that it is a violation and they are not allowed to have passengers hanging off the back of trucks or trailers.

Chief of Police, Charles Miller stated that no, they are not allowed to have that.

Supervisor Phillips stated to Chief Miller to reinforce to the officers to issue tickets when this occurs.

Noel Rappaport, 7 Lewis Drive, Garnerville asked if Town landscapers fell under the County’s Consumer Protection Laws.

Supervisor Phillips stated that landscapers are dropping loads of fill on the streets and sometimes they leave it overnight or don’t clean it up completely, which then washes away into the street drain. We must monitor storm water drains. Also, a number of landscapers who plow the snow leave it on the other side of the street. The Town trying to get a better hand on who is doing this and what homes they have contracted. The Town works well together with the County of Rockland and Health Department if we file any violations.

Ilan Schulein, 6 Hillside Dr., Thiells stated that the Board is being very generous and the fines are on the low end for the landscapers. The fines should be \$500 for the first offense and \$1,000 for second offense. Also, wanted to know if a noise ordinance was in place for the leaf blowers and thought that someone should be monitoring them.

Supervisor Phillips stated that he wasn’t sure if there was a noise ordinance that fell under leaf blowers used by the landscapers. The noise has to be a constant noise.

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Ilan Schulein, 6 Hillside Dr., Thiells stated that he knows there are some regulations as far as the level of the noise decimals. Some of them wear ear guards.

Supervisor Phillips stated to give us a chance to talk about it to the Chief of Police and Superintendent of Highways. I understand what you are saying just give us a change to look into it.

BOARD MEMBERS

No comment.

CLOSE PUBLIC HEARING

192-09 On motion by Councilman Gould and seconded by Councilman Soto, unanimously adopted, the Public Hearing was closed.

ADOPT RESOLUTION

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

193-09 **RESOLVED**, that the Town Board of the Town of Haverstraw, does hereby unanimously adopt Local Law No. 3, 2009 entitled, **“PENALTIES FOR OFFENSES.”**

JOSEPHINE E. CARELLA
Town Board

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The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, May 11, 2009 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

194-09 TOWN BOARD MEETING MINUTES OF APRIL 27, 2009 AND SPECIAL MEETING OF MAY 6, 2009 submitted by the Town Clerk on motion by Councilman Gould, seconded by Councilman Soto, were unanimously adopted.

PAYMENT OF BILLS

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

195-09 RESOLVED, that bills numbered 1,489 through and including 1,632 in the amount of \$445,146.95 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

196-09 RESOLVED THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF MARCH 2009.

CHANGE OF MEETING DATE - MEMORIAL DAY

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

197-09 WHEREAS, THE SECOND MEETING OF THE TOWN BOARD OF THE TOWN OF HAVERSTRAW IN MAY, IS SCHEDULED FOR MONDAY, MAY 25, 2009, THE LEGAL HOLIDAY FOR THE OBSERVANCE OF MEMORIAL DAY, NOW, THEREFORE, BE IT

RESOLVED, THAT THE TOWN CLERK IS AUTHORIZED TO PUBLISH A LEGAL NOTICE THAT SAID MEETING IS HEREBY RESCHEDULED FOR TUESDAY, MAY 26, 2009 AT 8:00 P.M.

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**ADVERTISE FOR BIDS NO. 9-2009 - BUS TRANSPORTATION FOR SUMMER
RECREATION PROGRAM - 2009**

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

198-09 RESOLVED, THAT THE TOWN CLERK BE AND SHE HEREBY IS AUTHORIZED TO PUBLISH A NOTICE TO BIDDERS THAT SEALED PROPOSALS WILL BE RECEIVED AT HER OFFICE AT ONE ROSMAN ROAD, GARNERVILLE, NEW YORK, UP TO AND INCLUDING 10:00 A.M. ON FRIDAY, MAY 22, 2009, FOR THE RECEIPT OF BIDS FOR THE PROVISION OF BUS TRANSPORTATION FOR THE CHILDREN IN THE TOWN OF HAVERSTRAW'S SUMMER RECREATION PROGRAM 2009 IN ACCORDANCE WITH THE SPECIFICATIONS ON FILE IN THE OFFICE OF THE TOWN CLERK, COPIES OF WHICH, TOGETHER WITH FORM OF PROPOSAL, MAY BE OBTAINED AT HER OFFICE. THE TOWN RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS. BIDS RECEIVED LATER THAN THE DATE AND TIME SPECIFIED WILL NOT BE CONSIDERED AND WILL BE RETURNED TO THE BIDDER UNOPENED. ALL BIDDERS MUST FILE A STATEMENT OF NON-COLLUSION WITH THEIR BIDS.

**AGREEMENT WITH HAVERSTRAW EQUITIES & PROPERTIES OF ROCKLAND,
LLC HELMKE 6 LOT SUBDIVISION AND THE TOWN OF HAVERSTRAW**

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

199-09 WHEREAS, THE TOWN OF HAVERSTRAW IS PRESENTLY HOLDING A BOND FOR COMPLETION OF PUBLIC IMPROVEMENTS FOR THE HELMKE 6 LOT SUBDIVISION IN EXCESS OF \$80,000; AND

WHEREAS, HAVERSTRAW EQUITIES & PROPERTIES OF ROCKLAND, LLC HAS PRESENTED ESTIMATES FOR COMPLETION OF THE PUBLIC IMPROVEMENTS IN THE SUBDIVISION, AND IT IS, THEREFORE,

RESOLVED, THAT BASED UPON THE CONSENT AND APPROVAL OF HAVERSTRAW EQUITIES & PROPERTIES OF ROCKLAND, LLC, THE TOWN IS HEREBY AUTHORIZED TO PAY THE CONTRACTORS WHO COMPLETE THE PUBLIC IMPROVEMENTS, UP TO A MAXIMUM AMOUNT OF \$47,000, TO BE PAID FROM THE BOND.

Supervisor Phillips stated that we had an opportunity to meet with Mr. Jeremiah's and went out to see the property. Basically, the story is that the developer does not have the money to do the work and possible do what the neighbors really want to get the things done. To remove the debris and have Jeremiah excavate and landscape to make the property look decent and to topcoat the road. This will cost him approximately \$41,000.

William Stein, Town Attorney stated that the Town would have the option lined up. They are ready to go. We felt it made sense to go on this basis and wanted to make sure that we don't eat up the bond so when the rest of the houses go in there was enough money if Jeramiah goes bankrupt to cover the public improvements to get this done as quickly as possible.

Noel Rappaport, 7 Lewis Drive, Garnerville asked what the estimated time was for completion.

Supervisor Phillips stated that we are trying to nail him down. We don't want to give him the money until we know this will be done for certain. We want everything completed.

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RETAINER AGREEMENT WITH WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP TO SERVE AS LEGISLATIVE AND LEGAL COUNSEL

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

200-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO A RETAINER AGREEMENT WITH THE LAW FIRM OF WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP OF ALBANY, NEW YORK TO SERVE AS LEGAL AND LEGISLATIVE COUNSEL IN NEW YORK STATE FOR THE TOWN OF HAVERSTRAW COMMENCING MAY 11, 2009 UNTIL MAY 10, 2010 AT AN ANNUAL COST OF \$50,000.

AGREEMENT WITH METROMEDIA ENERGY, INC. AND THE TOWN OF HAVERSTRAW

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

201-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH METROMEDIA ENERGY, INC. OF NEWARK, NEW JERSEY TO PROVIDE NATURAL GAS TO THE TOWN OF HAVERSTRAW ON THE BASIS OF COST + \$0.0824 PER CCF.

PUBLIC PARTICIPATION

Ilan Schulein, 6 Hillside Dr., Thiells stated that in March a group of residents from Thiells complained about people speeding in their neighborhood. The Board decided to place speed humps and were told that they would be done by April.

Supervisor Phillips stated that when the plants open in approximately two weeks, they speed humps will be put into place.

Ilan Schulein, 6 Hillside Dr., Thiells stated that it was suppose to happen before the nice weather was coming. He also had another issue regarding the ATVs. We see it all the time with the nice weather; ATVs, motorized scooters and skateboards. Mr. Schulein asked if they were illegal.

Supervisor Phillips stated that he was under the impression that motorized scooters were allowed to travel locally.

Chief Charles Miller stated that motorized scooters are not allowed on public highways.

Ilan Schulein, 6 Hillside Dr., Thiells asked if something can be done about this.

Supervisor Phillips stated that the Chief has been talking to two families regarding the ATVs and they have been very cooperative. Our Director of Parks, Mike Cotier posted "No Trespassing" signs and fines will be issued ATVs and motorbikes.

Councilman Gould stated that you have to notify the police when you see the ATVs and motorbikes.

Supervisor Phillips suggested taking a video or picture of them riding the ATVs.

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Ilan Schulein, 6 Hillside Dr., Thiells suggested to the Supervisor and Board Members to hold a public meeting with the other Towns regarding restoring the Westshore Railroad as passenger service.

Supervisor Phillips stated that we have had so many meetings with the MTA and NJ Transit. These meetings failed because of the amount of money involved to restore the Westshore. The Haverstraw tunnel must be redone at a cost of \$16 to \$18 million dollars, CSX has to be willing to do so and right now they don't want any part of commuter transportation.

Martin Bagrosky, Oakwood Lane, Thiells stated that he agrees with the gentleman about the dirt bikes and AYZs. Small bikes cruising by at 30-40 mph and somebody is going to get hurt. I think it's the parents.

Supervisor Phillips stated that he met with Carol Ash from the PIP and mentioned to her about the dirt bikes and if the PIP would be interested in giving them a place to ride. The PIP has over 10,000 acres that could be used and they had no interest at all.

Martin Bagrosky, Oakwood Lane, Thiells asked the Supervisor how the Mt. Ivy Bridge Project is coming along. Mr. Bagrosky also mentioned to the Supervisor that he thought three speed humps were going in on a trial basis - two on Mountainview and one on Oakwood.

Supervisor Phillips stated that the NYSDOT informed us that construction would begin in June of 2009.

Supervisor stated that he would look into three speed humps on a trial basis and where they would be located.

BOARD MEMBERS

Supervisor Phillips the annual Watch Fire will commence Friday, May 29th, 2009 at Bowline Point Park and burns all day Saturday.

The construction of two handicap bathrooms continues at Bowline.

The Philip J. Rotella Memorial Golf Course received many compliments on the condition of the course.

Work is continuing at Chesecote Mountain. We are looking into the possibility of constructing an emergency road. But it's all about the money and I hope that we can get some grants.

Open house at Town Hall this weekend to meet Supervisor and Town Board members. Refreshments will be served.

ADJOURNMENT

202-09 On motion by Councilman Cancel, seconded by Councilman Soto, unanimously adopted, the Meeting was adjourned.

JOSEPHINE E. CARELLA
Town Clerk