

The Town Board of the Town of Haverstraw held a Public Hearing on Monday, August 17, 2009 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 (Absent)
Councilman	John Gould
Councilman	Hector L. Soto

PUBLIC HEARING – CONSIDER AMENDING

Howard T. Phillips, Jr., Supervisor announced that this is a Public Hearing that is held for the purpose of discussing adopting a local law to amend the Town Code of the Town of Haverstraw, Chapter 107-LITTERING. Town Clerk read proof of publication and presented the Affidavit of Publication to the Board.

PRESENTATION BY WILLIAM M. STEIN, TOWN ATTORNEY

William M. Stein, Town Attorney stated that this public hearing is being held to consider adopting an amendment to Section 107-09 of the Town Code to provide for an emergency notification procedure. If the Enforcement Officer finds an emergency condition in violation of this Chapter 107-LITTERING, which requires immediate attention to protect the public health and safety, the action upon noncompliance shall be reduced from 10 days to three days notice.

PUBLIC PARTICIPATION

Noel Rappaport, 16 Lewis Drive, Garnerville was concerned about the property located on 14 Lewis Drive, which is next door to his home. He stated that the weeds are three feet high and that the previous owner still goes into the house on the weekend and rips the notice off the front door.

Supervisor Phillips stated that we will get the police involved. Mr. Phillips informed Chief Miller to investigate the matter and in the meantime the Parks Dept. will cut the grass at 14 Lewis Drive. By passing this amendment it will expedite this problem.

Noel Rappaport, 16 Lewis Drive, Garnerville thanked the Supervisor for taking care of another matter involving cleaning up of property on Lewis Drive.

CLOSE HEARING

258-09 On motion by Councilman Soto, seconded by Councilman Cancel, unanimously adopted, the Public Hearing was closed.

ADOPT RESOLUTION

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

259-09 **RESOLVED**, that the Town Board of the Town of Haverstraw, does hereby unanimously adopt Local Law No. 4 of the Town Code of the Town of Haverstraw, to amend Chapter 107-LITTERING.

RAQUEL VENTURA
First Deputy

TOWN BOARD
GARNERVILLE, NY
AUGUST 17, 2009

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, August 17, 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 (Absent)
Councilman	John J. Gould
Councilman	Hector L. Soto

ADOPTION OF MINUTES

260-09 TOWN BOARD MEETING MINUTES OF JULY 13, 2009 submitted by the Town Clerk on motion by Councilman Soto, seconded by Councilman Gould, were unanimously adopted.

PAYMENT OF BILLS

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

261-09 RESOLVED, that bills numbered 2,513 through and including 2,736 in the amount of \$478,986.63 and Highway Vouchers numbered 399 through and including 433 in the amount of \$17,575.54 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

262-09 RESOLVED THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF JUNE 2009.

AUTHORIZATION TO PURCHASE LETCHWORTH VILLAGE URBAN RENEWAL AREA KNOWN AS THE POWER PLANT PROPERTY

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

263-09 WHEREAS: on May 6, 2009, the Town Board resolved to authorize the Town Supervisor to execute a proposed contract of sale by and between the Town of Haverstraw and Danbury, LLC (“Contract of Sale”), to purchase property located within the Letchworth Village Urban Renewal Area which is commonly known as the power plant property, consisting of 11.49 +/- acres off of Powerhouse Road (the “Property”) for \$850,000, with a \$25,000 contract deposit; and

WHEREAS: the May 6, 2009 resolution of the Town Board also authorized the Town Supervisor to undertake and complete studies, surveys and title examinations on the Property in order to determine whether it was appropriate to complete the transaction, as contemplated by the Contract of Sale; and

WHEREAS: the Town Supervisor engaged consultants to complete such studies, surveys and examinations and, based on such studies, surveys and examinations, the Town Board

TOWN BOARD
GARNERVILLE, NY
AUGUST 17, 2009

resolved, on July 13, 2009, to exercise the Town's right to cancel the Contract of Sale; and

WHEREAS: the Contract of Sale was cancelled by letter on July 14, 2009 and the contract deposit was subsequently returned to the Town; and

WHEREAS: the Town Board has received a new proposed contract of sale ("New Contract of Sale") with respect to the Property which provides, among other things, for a reduced purchase price of \$690,000 and a contract deposit of \$25,000; and

WHEREAS: the Town Board reiterates that on November 8, 2004 the Property was included in an expansion of the Letchworth Village Urban Renewal Area based upon a finding that the Property was substandard or insanitary as provided for in General Municipal Law§ 502 and 504; and

WHEREAS: in connection with consideration of the adoption of an Urban renewal Plan for the Letchworth Village Urban Renewal Area the Town Board declared itself lead agency under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS: pursuant to SEQRA, the Town Board, as lead agency, issued Findings which, among other things, concluded "based upon the current review, that Alternative uses for the power plant site could include active or passive recreation, or housing in accordance with current site zoning, which would support approximately three lots; (11.5 acres x 0.85 for roads = 9.775 acres x 43,560 square feet per acre / 120,000 s.f. = 3.548 lots) none of which would have any significant adverse environmental impacts; and

WHEREAS: subsequent to adoption of the Findings under SEQRA, the Town Board had a further study of the Property conducted in late 2008 which concluded that the buildings located on the Property had deteriorated further; and

WHEREAS: the Town Board has caused the preparation of a new short form EAF for the purpose of authorizing the signing of the New Contract of Sale; and

WHEREAS: the sole action proposed at this time is the acquisition of the Property and prior to undertaking any site specific actions, it will be necessary to determine the ultimate use of the Property, as well as the extent of required demolition and any proposed construction, all of which will be subject to further environmental assessment; and

WHEREAS: the Town Board has reviewed the Findings Statement and the EAF;
IT IS:

RESOLVED: the Town Board hereby declares itself lead agency under SEQRA for the purpose of authorizing the purchase of the Property pursuant to the New Contract of Sale, and it is

FURTHER RESOLVED: the Town Board finds that the proposed acquisition of the Property by the Town will have no significant adverse environmental impacts and will further the efforts of the Town to remove a blighting influence within the Urban Renewal Area and therefore a SEQRA negative declaration in the form annexed should be issued, and it is

FURTHER RESOLVED: that the Town Board authorizes the Town Supervisor to execute the annexed New Contract of Sale which provides, among other things, for a purchase price of \$690,000 and a \$25,000 contract deposit.

Approximately 50 residents from the Town were in attendance at the Town Hall Meeting concerning the future development of the 11.5 remaining acres of the Letchworth Village property. The Town of Haverstraw passed a resolution to authorize the purchase of the property

at a cost of \$690,000 from Danbury LLC, who currently owns the property. The following individuals spoke during public participation that was in favor of the Town to move ahead with the purchase of the 11.5 acres at Letchworth Village: Susan Filgueras, Lisa Petry, Al Arlitz, Jim Fitzgerald, Martin Bagrosky and Dylan Skriloff. Mr. Daniel Seltzer stated that he was concerned about the purchase price of \$690,000 for the property.

Supervisor Howard Phillips stated that the property would need close to \$3 million worth of environmental remediation to remove the asbestos and lead in the building. Supervisor Phillips stated that the Town can apply for grants from the state for the remediation.

William Stein, Town Attorney stated that in 2008 the Town made a tentative deal with Danbury LLC in the amount of \$850,000 for the property. An environmental study revealed that the land had severe environmental problems. Mr. Stein further stated that Danbury LLC still owns the land and that the deal is not finalized. Tonight's resolution was passed to authorize the Town to purchase the property.

Supervisor Phillips asked the public for a show of hands of the people that were in support of the purchase of the property. Approximately 45 residents approved and two residents were against.

Martin Bagrosky, Thiells asked if the Town would consider opening up the side parking lot at the Foremost shopping center on Rt. 202 and to revisit the intersection at Rosman Road and Thiells Mt. Ivy Road to put a traffic light at the end of Rosman Road and Thiells Mt. Ivy Road. Mr. Bagrosky spoke to Mr. Howard Lampert, Traffic Consultant for the Town and that he said he was opposed to all traffic signals. Mr. Bagrosky stated that he felt Mr. Lampert never made a descent assessment of the Rosman and Thiells Mt. Ivy Road property.

Supervisor Phillips stated that we could take a look at Foremost.

A five minute recess was taken.

**RESOLUTION TO ACCEPT MICHAEL FREEMAN RETIREMENT EFFECTIVE
JULY 21, 2009**

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

264-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY ACCEPTS THE RETIREMENT OF MICHAEL FREEMAN, POLICE OFFICER EFFECTIVE JULY 21, 2009.

ACCEPTANCE OF AUDIT REPORT

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

265-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY ACCEPT THE AUDIT REPORT FROM KORN ROSENBAUM, LLP OF POMONA, NEW YORK FOR THE YEAR ENDING DECEMBER 31, 2008.

TOWN BOARD
GARNERVILLE, NY
AUGUST 17, 2009

SITE LEASE AGREEMENT WITH METROPCS NEW YORK, LLC

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

266-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO A COMMUNICATION SITE LEASE AGREEMENT WITH METROPCS NEW YORK, LLC TO ALLOW METROPCS TO PLACE COMMUNICATION EQUIPMENT ON THE FLAG POLE LOCATED AT THE TOWN OF HAVERSTRAW POLICE DEPARTMENT AT A MONTHLY RENT OF \$1,200 FOR AN INITIAL TERM PLUS A 3% ANNUAL INCREASE FOR A TERM OF FIVE (5) YEARS.

APPROVAL OF SUB-LEASE FOR OMNIPOINT COMMUNICATIONS, INC.

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

267-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES OMNIPOINT COMMUNICATIONS, INC. A SUBSIDIARY OF T-MOBILE USA, INC. TO ENTER INTO A SUB-LEASE AGREEMENT WITH METRO PCS NEW YORK, LLC FOR THE FLAGPOLE TELECOMMUNICATIONS TOWER LOCATED AT 101 WEST RAMAPO ROAD, GARNERVILLE, NEW YORK.

**ESTABLISH CAPITAL PROJECT –RESURFACING/MICROPAVING OF ROADS FOR
\$200,000**

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

268-09 RESOLVED, THAT THE TOWN BOARD HEREBY APPROVES THE RESURFACING/MICROPAVING OF THE FOLLOWING ROADS IN THE TOWN OF HAVERSTRAW, AS A CAPITAL PROJECT IN THE AMOUNT OF \$200,000.00, WHICH WILL BE FUNDED THROUGH THE GENERAL FUND: CASTLE COURT; HAVENCREST DRIVE; SKYLINE DRIVE; HILLSIDE DRIVE; RIVERGLEN DRIVE; CREEKVIEW DRIVE; LOCUST DRIVE; OAKWOOD LANE AND MOUNTAIN VIEW DRIVE.

RETAIN THE SERVICES OF NEW YORK BITUMINOUS PRODUCTS CORPORATION TO RESURFACING/MICROPAVING OF ROADS

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

269-09 RESOLVED, UPON THE RECOMMENDATION OF FRANK BROOKS, SUPERINTENDENT OF HIGHWAYS, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY RETAIN THE SERVICES OF NEW YORK BITUMINOUS PRODUCTS CORPORATION OF CHESTER, NEW YORK ON A STATE BID TO RESURFACE/MICROPAVE, CASTLE COURT, HAVENCREST DRIVE, SKYLINE DRIVE, HILLSIDE DRIVE, RIVERGLEN DRIVE, CREEKVIEW DRIVE, LOCUST DRIVE, OAKWOOD LANE, AND MOUNTAIN VIEW DRIVE AT A COST NOT TO EXCEED \$175,000.00.

TOWN BOARD
GARNERVILLE, NY
AUGUST 17, 2009

AUTHORIZATION FOR TOWN ASSESSOR TO ATTEND EDUCATION SEMINAR

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

270-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, HEREBY GRANTS PERMISSION FOR DAVID ADAMS TO ATTEND A NEW YORK STATE OFFICE OF REAL PROPERTY SERVICES SEMINAR ENTITLED "WATERFRONT VALUATION", AT THE HOLIDAY INN IN FISHKILL, NEW YORK ON AUGUST 7, 2009 AT A COST OF \$95.00.

APPOINTMENT OF LABORER – TOWN OF HAVERSTRAW HIGHWAY DEPARTMENT

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

271-09 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT JAMES MONTE TO THE POSITION OF LABORER AT THE TOWN OF HAVERSTRAW HIGHWAY DEPARTMENT AND BE IT FURTHER

RESOLVED, THAT THIS APPOINTMENT IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL EFFECTIVE, SEPTEMBER 8, 2009.

BOARD MEMBERS/ANNOUNCEMENTS

Supervisor Phillips stated that the Open Air Concerts at Bowline have been a tremendous success this year. Tilcon donated \$5,000 which helped to offset the cost. Tilcon has been a very good neighbor to the Town. The pool hours at Bowline have been extended to 8:00 p.m. due to the extremely hot weather.

Howie Tiell, Day Camp Director did an excellent job with the summer Day Camp.

Youth Board went to a Mets game tonight with three bus loads. It's good to see the Youth Board doing an excellent job.

Supervisor's Golf Outing will be coming up the day after Labor Day.

ADJOURNMENT

272-09 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Martha V. Geiger, Garfield Mac Carter, Mark A. Shaw, Doris Carter Arthur, Rufus Kee, James R. Natale Sr. Sue Ellen Moore, Silvestre Antonio Dominguez, Jaime J. Shanahan, Arthur Bargarozzi, Paul R. Hylas, Catherine Beck, Kenneth T. Gaudreau, Curtis Jeffs, Luz M. Ramos, Maxwell "Max" Goldstein, Robert Collins who recently passed away. Supervisor Phillips, the Town Board members and the Elected Officials further extended their condolences and sympathy to the families. Thereafter, a motion was made by Councilman Gould, seconded by Councilman Soto the Town Board Meeting was adjourned.

RAQUEL VENTURA
First Deputy