

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, July 16, 2012 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 (Absent)
Councilman	Vincent J. Gamboli
Councilman	John J. Gould
Councilman	Hector L. Soto

ADOPTION OF MINUTES

313-12 PUBLIC HEARING AND TOWN BOARD MEETING OF JUNE 26, 2012 submitted by the Town Clerk on motion by Councilman Gould, seconded by Councilman Gamboli, were unanimously adopted.

PAYMENT OF BILLS

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

314-12 RESOLVED, that bills numbered 2,233 through and including 2,514 in the amount of \$360,548.19 be and they are hereby paid; and Highway Vouchers numbered 324 through and including 348 in the amount of \$9,274.45 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

315-12 RESOLVED, THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF MAY 2012.

ESTABLISH CAPITAL PROJECT – BOWLINE PARK LIGHT IMPROVEMENTS

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

316-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY APPROVES THE BOWLINE PARK LIGHT IMPROVEMENTS, IN THE TOWN OF HAVERSTRAW AS A CAPITAL PROJECT IN THE AMOUNT OF \$230,000.00, WHICH \$190,000.00 WILL BE FUNDED FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT AND \$40,000.00 WILL BE FUNDED FROM MONEY IN LIEU OF PARKLAND MONIES.

AWARD OF BID NO. 10- 2012 – BOWLINE PARK LIGHT IMPROVEMENTS

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

317-12 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF JOE CARUSO, PE, MASER CONSULTING, PA, AND THE BIDS HAVING BEEN FOUND IN ORDER BY THE TOWN ATTORNEY, THE TOWN BOARD OF THE TOWN OF

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HAYERSTRAW DOES HEREBY AUTHORIZE THE SUPERVISOR TO ENTER INTO A CONTRACT WITH HVS, LLC OF GARNERVILLE, NEW YORK, THE LOW BIDDER, AT A COST OF \$204,293.00, SUBJECT TO THE APPROVAL OF THE ROCKLAND COUNTY OFFICE OF COMMUNITY DEVELOPMENT.

AWARD OF RFP. NO. 8-2012 – PURCHASE OF OFFICE FURNITURE FOR TOWN OF HAYERSTRAW JUSTICE COURT

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

318-12 RESOLVED, THAT TWO (2) RFPs WERE REQUESTED OF WHICH TWO SUBMITTED PROPOSALS TO CLAUDIA OSSMAN, COURT CLERK TO PURCHASE FOUR (4) CHAIRS AND TWO (2) LECTERNS FOR THE TOWN OF HAYERSTRAW COURTROOM, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAYERSTRAW DOES HEREBY AWARD RFP NO. 8-2012 TO OFFICE COMMUNICATIONS OF CHESTNUT RIDGE, NEW YORK, THE LOW BIDDER AT A PRICE OF \$2,020.00, AND BE IT FURTHER

RESOLVED, THAT THE ITEMS WILL BE PAID FOR FROM THE JUSTICE COURT ASSISTANCE PROGRAM.

AUTHORIZATION TO SELL HIGHWAY DEPARTMENT SURPLUS WOOD CHIPPER

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

319-12 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF FRANK BROOKS, SUPERINTENDENT OF HIGHWAYS, THE TOWN BOARD OF THE TOWN OF HAYERSTRAW DOES HEREBY DECLARE WOOD CHIPPER MODEL MOBARK 290, SERIAL#7298 AND VIN#1V1576 AS SURPLUS AND AUTHORIZES THE SALE OF SAID WOOD CHIPPER TO THE VILLAGE OF WEST HAYERSTRAW IN THE AMOUNT OF \$4,000.00.

AGREEMENT WITH MICHAEL LAUDIEN, GOLF PRO AND THE TOWN OF HAYERSTRAW

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

320-12 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF THE TOWN OF HAYERSTRAW GOLF COMMITTEE, THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH MICHAEL LAUDIEN AS GOLF PRO FOR THE TOWN OF HAYERSTRAW'S PHILIP J. ROTELLA MEMORIAL GOLF COURSE COMMENCING MARCH 1, 2012 AND TERMINATING FEBRUARY 28, 2015 FOR A THREE YEAR PERIOD.

AGREEMENT WITH EMPLOYEE NUMBER SYS-010645 AND THE TOWN OF HAYERSTRAW

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

321-12 RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH EMPLOYEE #SYS-010645.

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ACCEPTANCE OF LETTER FOR LEAVE OF ABSENCE

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

322-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, DOES HEREBY ACCEPT A REQUEST FOR A SIX-MONTH LEAVE OF ABSENCE, WITHOUT PAY, FROM ANTHONY ROCCI, POLICE RADIO DISPATCHER, EFFECTIVE JULY 16, 2012.

**ACCEPTANCE OF LETTER OF RESIGNATION FROM RICHARD HAMILTON,
COURT OFFICER**

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

323-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY ACCEPT THE LETTER OF RESIGNATION FROM RICHARD HAMILTON, AS COURT OFFICER, EFFECTIVE JUNE 29, 2012.

APPOINTMENT OF RICHARD HAMILTON - WATCHMAN

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

324-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT RICHARD HAMILTON OF WEST HAVERSTRAW, NEW YORK TO THE POSITION OF WATCHMAN WITH THE TOWN OF HAVERSTRAW PARKS DEPARTMENT AT AN HOURLY RATE OF \$12.82, EFFECTIVE IMMEDIATELY, AND BE IT FURTHER

RESOLVED, THAT THIS APPOINTMENT IS SUBJECT TO THE RULES AND REGULATIONS, AND APPROVAL OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.

CREATE POSITION OF OFFICE SERVICES AIDE

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

325-12 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF THE SUPERVISOR, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY CREATE THE POSITION OF OFFICE SERVICES AIDE FULL TIME FOR THE TOWN CLERK'S OFFICE, AND BE IT FURTHER

RESOLVED, THAT THE CREATION OF THIS POSITION WAS APPROVED BY THE COUNTY OF ROCKLAND PERSONNEL DEPARTMENT AND IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.

**APPOINTMENT OF JACLYN GOMEZ TO THE POSITION OF OFFICE SERVICES
AIDE**

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

326-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT JACLYN GOMEZ OF POMONA, NEW

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YORK TO THE POSITION OF OFFICE SERVICES AIDE WITH THE TOWN OF HAVERSTRAW TOWN CLERK'S OFFICE AT A YEARLY SALARY OF \$27,000.00, EFFECTIVE IMMEDIATELY, AND BE IT FURTHER

RESOLVED, THAT THIS APPOINTMENT IS SUBJECT TO THE RULES AND REGULATIONS, AND APPROVED BY THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL.

RESOLUTION AUTHORIZING THE TOWN OF HAVERSTRAW TO BILL THE COUNTY OF ROCKLAND FOR THE MAINTENANCE OF COUNTY ROADS

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

327-12 WHEREAS, the maintenance of roads within the Town of Haverstraw is crucial to insure the health and safety of our residents, to promote the economic vitality of our businesses and to preserve the high quality of life which the Town and its residents have worked hard to achieve, and

WHEREAS, our roadway system is multi-jurisdictional, consisting of New York State, County of Rockland, Town of Haverstraw, village and private roads, and

WHEREAS, each respective government entity has a non-delegable duty to maintain those roads within its jurisdiction in a reasonably safe condition, and

WHEREAS, a municipality's duty to maintain its roads includes the duty to maintain, at its sole cost and expense, not only the road surface itself, but also signs, street lights, traffic lights and fire hydrants appurtenant thereto, and

WHEREAS, the County of Rockland maintains and funds a highly capable Highway Department charged with maintaining County of Rockland roads, and

WHEREAS, a review of the street lights, traffic lights and fire hydrants within the Town of Haverstraw has revealed that the Town has been paying for the costs of maintaining street lights, traffic lights and fire hydrants along County of Rockland roads within Haverstraw, when all such costs are the legal responsibility of the County of Rockland, and

WHEREAS, it is in the public interest that all costs associated with County of Rockland roads be charged both prospectively and retroactively, to the extent permitted by law, to the municipal entity legally responsible for such costs, to wit: the County of Rockland,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Haverstraw that effective August 1, 2012 the Town's Director of Finance is hereby directed to bill the County of Rockland for all costs associated with street lights, traffic lights and fire hydrants adjacent to County of Rockland roads if such costs (including, but not limited to electric supply costs charged by Orange & Rockland Utilities, Inc. or other energy supply companies, repair costs, United Water hydrant charges, etc.) are initially billed to or paid by the Town of Haverstraw, and

BE IT FURTHER RESOLVED, that the Town's Director of Finance is directed to arrange for all future bills from service providers or vendors associated with street lights, traffic lights and fire hydrants adjacent to County of Rockland roads be charged directly to the County of Rockland, rather than the Town of Haverstraw, to the extent permitted by law or contract, and

BE IT FURTHER RESOLVED, that Town Attorney is authorized to commence a declaratory judgment action or other appropriate legal action or proceeding, either individually or in conjunction with joint or similar actions or proceedings by the Towns of Clarkstown, Orangetown, Ramapo and Stony Point, to declare that the responsibility for all costs associated

with street lights, traffic lights and fire hydrants adjacent to County of Rockland roads is that of the County of Rockland, not the Town of Haverstraw, and to seek reimbursement from the County of Rockland for all such costs already paid by the Town of Haverstraw, to the maximum extent permitted by law, and

BE IT FURTHER RESOLVED that the Town Clerk is directed to provide a copy of this Resolution to the Rockland County Executive, the Chairperson of the Rockland County Legislature, the Rockland County Superintendent of Highways and the Supervisors of the Towns of Clarkstown, Orangetown, Ramapo and Stony Point.

AWARD OF RFP NO. 9-2012 – TREE REMOVAL

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

328-12 RESOLVED, THAT TWO (2) RFPs WERE REQUESTED OF WHICH TWO SUBMITTED PROPOSALS TO FRANK BROOKS, SUPERINTENDENT OF HIGHWAYS FOR THE REMOVAL OF A TREE AND DEBRIS ON A TOWN EASEMENT, AND BE IT FURTHER

RESOLVED, THAT THE TOWN BOARD OF THE TOWN HAVERSTRAW DOES HEREBY AWARD RFP NO. 9-2012 TO FERGUSON LANDSCAPE CONSTRUCTION, AT A PRICE OF \$2,000.00.

AUTHORIZATION TO PERFORM EMERGENCY REPAIRS AT TOWN OF HAVERSTRAW LANDFILL

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

329-12 RESOLVED, THAT BASED UPON THE RECOMMENDATION OF CONSULTING ENGINEER, PATRICK BRADY, THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES ENVIRONMENTAL CONSTRUCTION, INC. OF STONY POINT, NEW YORK TO PERFORM EMERGENCY REPAIRS TO THE TOWN OF HAVERSTRAW LANDFILL TO PROTECT THE INTEGRITY OF THE LANDFILL LINER AT A COST OF FOUR THOUSAND FOUR HUNDRED DOLLARS & NO/100 (\$4,400.00).

AGREEMENT WITH GHD CONSULTING ENGINEERS, LLC

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

330-12 RESOLVED, THE TOWN BOARD HEREBY AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH GHD CONSULTING ENGINEERS, LLC OF CAZENOVIA, NEW YORK FOR THE OBSERVATION AND TESTING OF SOIL PLACEMENT AT THE TOWN OF HAVERSTRAW LANDFILL AT A COST OF \$1,500.00 PER DAY FOR PERSONNEL AND \$1,500.00 PER TEST FOR A TOTAL OF THREE (3) TESTS WITH A TOTAL COST NOT TO EXCEED THE SUM OF \$20,000.00.

AUTHORIZE TERMS AND CONDITIONS OF EMPLOYMENT FOR CHIEF CHARLES MILLER – JANUARY 1, 2012 THROUGH DECEMBER 31, 2014

The following resolution was approved by the full board.

331-12 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY ADOPTS THE TERMS AND CONDITIONS OF

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**EMPLOYMENT FOR POLICE CHIEF CHARLES MILLER FOR THE YEAR
JANUARY 1, 2012 THROUGH DECEMBER 31, 2014 AS SET FORTH IN THE
WRITTEN TERMS AND CONDITIONS DATED JULY 12, 2012.**

PUBLIC PARTICIPATION

Ilan Schulein, Hillside Drive, Thiells asked the Town Board if something can be done with noise made by the blowers that the landscaper services use when mowing the lawns. The noise is very loud. The blowers cause debris, dust and animal feces to blow around. A law should be passed to limit the hours of operation from 8 am to 5 pm on weekdays only.

He also wanted a summary of the financial health of the Town.

Supervisor Phillips stated that we are in very good financial condition. We have a Aa3 bond rating. It would be higher if it wasn't for Mirant. We don't spend taxpayer money unless we have to. We have been doing an excellent job managing taxpayer money.

Bruce Leach, Wayne Ave., W. Haverstraw stated that the 3rd Annual Town of Haverstraw Hudson Valley Radio Control Air Show is scheduled for August 25, 2012 from 10:00Am til 4:00 PM at the Scenic Haverstraw Riverview Park on Beach Road in West Haverstraw, New York. The event is becoming more and more popular and more people are coming to it.

There are also holding a "Helis Over the Hudson," a helicopter fun fly Event on September 22nd.

ANNOUNCEMENTS

Latin Festival and Parade took place on Sunday. Everything went well. It would have been an even bigger success if the weather had been better.

The summer Thursday night concert series is going well. This Thursday Steve Wexler and the Top Shelf Band will be performing at 7:30 PM.

ADJOURNMENT

332-12 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Seymour Small, Benjamin Cuzzo, Lottie Bastone, Krista Mullin, Hugh A. McGilvray, Lourice Sauegh, Vito F. DeNoia, Maria DeLaCruz, Kenneth Everett McElroy, John R. Pinkela, Judith Alice Young, William J. Leins, Rose Weireter, Robert Lloyd, Sotero Martinez and Ambrose Margiotta, who recently passed away. Supervisor Phillips and the Town Board members further extended their condolences and sympathy to the families. Thereafter, a motion was made by Councilman Gould, seconded by Councilman Gamboli to adjourn the Town Board Meeting.

GINA NISHANIAN
Deputy Town Clerk