

TOWN BOARD
GARNERVILLE, NY
MARCH 10, 2014

The Town Board of the Town of Haverstraw met at a Regular Meeting on Monday, March 10, 2014 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

**APPOINTMENT OF RAYMOND LUND TO PERMANENT FULL TIME POLICE
OFFICER POSITION**

The following resolution was approved by the Town Board Members.

148-14 RESOLVED, THAT UPON THE RECOMMENDATION OF CHARLES MILLER, CHIEF OF POLICE, THE TOWN BOARD OF THE TOWN OF HAVERSTRAW DOES HEREBY APPOINT RAYMOND LUND OF THIELLS, NEW YORK TO THE POSITION OF POLICE OFFICER, FULL TIME, PERMANENT FOR THE TOWN OF HAVERSTRAW, AND BE IT FURTHER

RESOLVED, THAT MR. LUND HAS BEEN CLEARED ON ALL PRE-EMPLOYMENT TESTS BY THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL AS A RESULT OF A RESIGNATION/REINSTATEMENT, AND BE IT FURTHER

RESOLVED, THAT THIS APPOINTMENT IS EFFECTIVE IMMEDIATELY AND IS SUBJECT TO THE RULES AND REGULATIONS OF THE ROCKLAND COUNTY DEPARTMENT OF PERSONNEL, AND MR. LUND SHALL SERVE A PROBATION PERIOD OF TWO (2) YEARS.

ADJOURNMENT TO TAKE A TWO MINUTE RECESS

149-14 On motion by Councilman Cancel, seconded by Councilman Gould, unanimously adopted, the Town Board Meeting was adjourned for a two minute recess.

150-14 RECONVENED TO REGULAR TOWN BOARD MEETING

On motion by Councilman Soto, seconded by Councilman Gould the Regular Town Board Meeting was reconvened.

ADOPTION OF MINUTES

151-14 ADOPTION OF TOWN BOARD MEETING MINUTES OF FEBRUARY 24, 2014, submitted by the Town Clerk on motion by Councilman Cancel, seconded by Councilman Gould, were unanimously adopted.

PAYMENT OF BILLS

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

152-14 RESOLVED, that bills numbered 630 through and including 764 in the amount of \$621,653.47 be and they are hereby paid; and Highway Vouchers numbered 119 through and including 147 in the amount of \$61,754.89 audited at this meeting, be and they are hereby paid.

ACCEPTANCE OF REPORTS

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

153-14 RESOLVED, THAT THE FOLLOWING POLICE ACTIVITY REPORT HAS BEEN SUBMITTED AND IS HEREBY ACCEPTED: POLICE DEPARTMENT ACTIVITY REPORT FOR THE MONTH OF DECEMBER 2013.

RENEWAL OF AGREEMENT BETWEEN THE TOWN OF HAVERSTRAW AND VJ NETWORKS, INC.

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

154-14 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW HEREBY AUTHORIZES THE SUPERVISOR TO RENEW AGREEMENT OF SERVICES TO PROVIDE TECHNICAL SUPPORT FOR THE COMPUTER NETWORK AT THE TOWN OF HAVERSTRAW POLICE STATION AT A COST OF \$1,800 A MONTH FOR A PERIOD OF ONE (1) YEAR COMMENCING MARCH 1, 2014.

AUTHORIZATION TO BID – BID NO. 5-2014 – INSTALL NEW ROOF AT TOWN OF HAVERSTRAW POLICE STATION BUILDING

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

155-14 RESOLVED, THAT ON THE RECOMMENDATION OF MICHAEL COTIER, DIRECTOR OF PARKS, 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 11:00 A.M. ON FRIDAY, APRIL 11, 2014, FOR THE RECEIPT OF BIDS TO INSTALL NEW ROOF AT THE TOWN OF HAVERSTRAW POLICE STATION BUILDING LOCATED ON ROUTE 202, GARNERVILLE, NY, 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.

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AUTHORIZATION FOR HIGHWAY DEPARTMENT EMPLOYEES TO ATTEND 2014 SEMINARS

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

156-14 RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF HAVERSTRAW, HEREBY GRANTS PERMISSION FOR THE FOLLOWING EMPLOYEES TO ATTENDED THE FOLLOWING SEMINARS:

CALL 811 SEMINAR - MARCH 19, 2014 - RAMADA INN, FISHKILL, NEW YORK - NO CHARGE

**GEORGE WARGO, JR.
JOSEPH CANNAVARO
THOMAS VANSKYOCK**

EQUIPMENT SHOW - MARCH 21, 2014 - MARLBORO, NEW YORK - NO CHARGE

**JOSEPH CANNAVARO
CHRISTOPHER SCHULOK
MICHAEL REYNOLDS
PETER THIELL**

ROADWAY AND ROADSIDE DRAINAGE, APRIL 22, 2014 - MIDDLETOWN, NEW YORK - AT A COST OF \$50.00 PER PERSON

**STEPHEN LOBLANCO
DOMINICK RODRIGUEZ
CARLOS PEREZ**

ASPHALT PAVING PRINCIPLES - MAY 20, 214 - LIBERTY, SULLIVAN COUNTY, NEW YORK AT A COST OF \$50.00 PER PERSON

**GREGORY JOHNSON
JAMES MONTE
NICHOLAS ROMAN**

APPOINTMENT OF GREGORY LAWLESS TO ZONING BOARD

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

157-14 RESOLVED, THAT GREGORY LAWLESS OF THIELLS, NEW YORK, BE AND HE HEREBY IS APPOINTED TO THE ZONING BOARD TO FILL AN UNEXPIRED TERM TERMINATING DECEMBER 31, 2014.

BOND RESOLUTION

158-14 BOND RESOLUTION OF THE TOWN OF HAVERSTRAW, NEW YORK, ADOPTED MARCH 10, 2014, AUTHORIZING THE PAYMENT OF CERTAIN JUDGMENTS, CLAIMS, AWARDS OR DETERMINATIONS AGAINST THE TOWN OF HAVERSTRAW, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,460,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,460,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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WHEREAS, it is now necessary and desirable to provide for financing the cost of certain judgments, compromised claims or settled claims by the issuance of serial bonds of the Town; now therefore,

BE IT RESOLVED by the Town Board (the "Town Board") of the Town of Haverstraw, Rockland County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of said Town Board) as follows:

Section 1. Based upon the review of this action by the Town, the Town Board hereby determines that it is a "Type II Action" under the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and therefore no further environmental review is required.

Section 2. The Town is hereby authorized to pay judgments, compromised claims or settled claims, resulting from court orders on proceedings brought pursuant to article seven of the real property tax law with respect to the fiscal year ending December 31, 2014. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,460,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$2,460,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property of the Town to pay the principal of said serial bonds and the interest thereon as the same shall become due and payable. No amount has previously been authorized by the Town to be applied to the payment of such class of objects or purposes. The proceedings discussed above relate to the following:

Mirant Bowline, LLC
GenOn Bowline, LLC
Hudson Valley Gas Corporation

v.

The Assessor of the Town of Haverstraw, et al.

Section 3. Serial bonds of the Town in the principal amount of not to exceed \$2,460,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 4. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$2,460,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of subdivision 33-a(c) of paragraph a. of Section 11.00 of the Law, is twenty (20) years.

(b) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said serial bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said serial bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town, subject to statutory limitations. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any notes issued in anticipation of the sale of said serial bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the serial bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00, Section 30.00, Section 50.00, Sections 56.00 to 60.00, inclusive, and

Section 63.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and the renewals thereof, determining whether to issue serial bonds with substantially level or declining annual debt service, prescribing the terms, form and contents of the serial bonds herein authorized, bond anticipation notes issued in anticipation of said serial bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the serial bonds herein authorized, bond anticipation notes issued in anticipation of said serial bonds and the renewals thereof, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the serial bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication; or

- (c) such obligations are authorized in violation of the provisions of the constitution of the State of New York.

Section 7. This resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed in Section 81.00 of the Law, in "The Journal News", hereby designated the official newspaper of the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Supervisor Howard Phillips VOTING Yes

Councilman Isidro Cancel VOTING Yes

Councilman Vincent Gamboli VOTING Absent

Councilman John Gould VOTING Yes

Councilman Hector Soto VOTING Yes

ADJOURNMENT OF REGULAR TOWN BOARD MEETING

159-14 A motion was made by Councilman Gould, seconded by Councilman Soto to adjourn the Regular Town Board Meeting.

CONVENE TO A MEETING OF THE POLICE COMMISSION

160-14 A motion was made by Commissioner Soto, seconded by Commissioner Cancel to convene to a Meeting of the Police Commission.

POLICE COMMISSION/TOWN BOARD
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The Town Board of the Town of Haverstraw met at a Meeting of The Police Commission of the Town of Haverstraw on Monday, March 10, 2014 at 8:15 p.m. in the Meeting Room of the Town Hall, One Rosman Road, Garnerville, New York.

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On Roll Call the following members answered to their names:

Chairman	Howard T. Phillips, Jr.
Commissioner	Isidro Cancel
Commissioner	Vincent J. Gamboli (Absent)
Commissioner	John J. Gould
Commissioner	Hector L. Soto

Let the record reflect a joint meeting of the Haverstraw Town Board and Police Commission. Voting was done in dual capacity as both Boards.

TERMINATION OF GML 207-C BENEFITS FOR EMPLOYEE NO. SYS-016792

The following resolution was approved by the Police Commission and Town Board.

161-14 WHEREAS, a hearing was requested pursuant to the Town of Haverstraw Police Department Line of Duty Injury Procedure relating to Employee No. SYS-016792; and

WHEREAS, hearings were held before the Honorable Howard C. Edelman, the independent hearing officer selected to hear the matter; and

WHEREAS, the hearing officer heard testimony and took evidence on the question(s) before him, has rendered a decision and forwarded a complete copy of the record, together with his findings of fact and recommendation to the Town Board for its consideration; and

WHEREAS, the Town Board has reviewed the record together with the findings of fact and recommendations of the hearing officer;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Haverstraw, sitting as the Police Commission, hereby adopts the findings of fact and recommendations of the hearing officer in his decision dated February 17, 2014; and

BE IT FURTHER RESOLVED that the Chief of Police is hereby directed to notify Employee No. SYS-016792 of this determination and take all actions consistent with this determination relative to the employment status of said employee including, but not limited to, the termination of benefits pursuant to General Municipal Law Section 207-c effective immediately.

SECTION 207-C DETERMINATION/RESOLUTION FOR EMPLOYEE #SYS-006644

The following resolution was approved by the Police Commission and Town Board.

162-14 RESOLVED, THAT THE TOWN OF HAVERSTRAW HEREBY ADOPTS THE FINDINGS OF FACT AND RECOMMENDATIONS MADE BY HEARING OFFICER ALFRED CAVA WITH REGARD TO EMPLOYEE #SYS-006644 APPEAL FROM THE JANUARY 7, 2013 MODIFIED DUTY RETURN TO WORK ORDER TO THE EXTENT THAT THE RECOMMENDATION FOUND SAID ORDER TO BE SUPPORTED BY SUBSTANTIAL EVIDENCE. THE TOWN DOES NOT ADOPT ANY PORTION OF THE RECOMMENDATION THAT COULD BE INTERPRETED TO REQUIRE THE TOWN TO SPECIFICALLY ENUMERATE THE DUTIES IN WRITING THAT EMPLOYEE #SYS-006644 WILL BE PERFORMING. AS INDICATED IN THE ORIGINAL RETURN TO WORK ORDER DATED JANUARY 7, 2013, EMPLOYEE #SYS-006644 WILL PERFORM MODIFIED DUTY WITH THE SINGLE RESTRICTION OF AVOIDING CONFRONTATIONAL SITUATIONS AS INDICATED BY DR. TOTERO.

ADJOURNMENT OF THE POLICE COMMISSION MEETING

163-14 On motion by Commissioner Gould, seconded by Commissioner Soto, unanimously adopted, the Police Commission Meeting was adjourned.

164-14 **RECONVENE TO REGULAR TOWN BOARD MEETING**

On motion by Councilman Cancel, seconded by Councilman Soto the Regular Town Board Meeting was reconvened.

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REQUEST FOR PARTY STATUS BEFORE NEW YORK STATE PUBLIC SERVICE COMMISSION

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

165-14 THE TOWN BOARD HEREBY ELECTS TO MAKE A REQUEST TO THE NEW YORK STATE PUBLIC SERVICE COMMISSION FOR PARTY STATUS IN REGARD TO CASE #13-W-0246 VERIFIED PETITION OF UNITED WATER NEW YORK INC. FOR IMPLEMENTATION OF A LONG-TERM WATER SUPPLY SURCHARGE, AND RELATED TARIFF AMENDMENT.

PUBLIC PARTICIPATION

None.

BOARD MEMBERS

George Wargo, Superintendent of Highways stated that the salt is up to capacity and they are in the process of doing potholes. We are winding down to the end of a long winter and are helping out with the golf course at the driving range. The driving range is open.

Michael Cotier, Park Director stated that currently we went out to bid on the shoreline restoration. The bids will be coming in prior to the pool season.

Supervisor Phillips stated that we will be installing a new jetty on the shoreline due to severe erosion. The jetty will go out into the Hudson River with a fishing pier for crabbing and fishing. We are seeking grant money to build a dog park at the sanitary landfill. Funding is available and we are pursuing private donations. We are hoping to construct the dog park this summer.

We are very pleased that the deed for the 25 acres of land at the Helen Hayes property was turned over to the Town of Haverstraw to use for future recreation. It's a long process and we are hoping to receive assistance from grants.

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ADJOURNMENT

166-14 Supervisor Howard T. Phillips, Jr. stated that he would like to close tonight's meeting in memory of Margaret Gamboli, who was the mother of our Councilman, Vincent Gamboli and the Grandmother of our Director of Finance, Michael Gamboli; Patrick E. Kennell; Ana A. Silverio; Mary A. Conklin; Richard J. Moretto; John F. Nicholson; Lindsay Marie O'Leary; Rosemary Taber; Maureen Lynch; Joseph F. Torpey; Prasert Chariton; Patrick Ferguson and Joseph P. Squillante, who recently passed away. The Town Board members further extended their condolences and sympathy to the families. Therefore, a motion was made by Councilman Gould, seconded by Councilman Cancel, unanimously adopted, the Town Board Meeting was adjourned.

KAREN L. BULLEY
Town Clerk