

TOWN BOARD

The Town Board, Town of Highlands, held a Public Hearing and Regular Meeting on Monday, April 12, 2010 at Town Hall, 254 Main Street, Highland Falls, NY 10928 at 7pm.

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|----------|-----------------------|------|----------------|
| PRESENT: | Edward Magryta | ---- | Supervisor |
| | Holly Gokey | ---- | Council Member |
| | William Edsall | ---- | Council Member |
| | Laurie R. Tautel | ---- | Council Member |
| | Mervin R. Livsey, Jr. | ---- | Council Member |

Supervisor Magryta opened the Public Hearing on Local Law #1 of 2010 at 7pm.

Justin Rider explained that this Local Law will add a new Chapter 164 entitled "Stormwater Management" to the code of the Town of Highlands. The purpose of this chapter is to establish minimum stormwater management requirements and controls.

Supervisor Magryta opened the public hearing up to public comment.

Supervisor Magryta explained that this Local Law has to do largely with erosion control.

Mr Rider said that general disturbance from stormwater runoff will be covered in the law.

Council Member Livsey clarified that this is a State requirement, not just a Town requirement.

Supervisor Magryta said that the purpose of this law is to give strong local control of the requirements related to mitigating erosion.

Council Member Edsall made a motion seconded by Council Member Tautel to close the Public Hearing. Public Hearing closed at 7:15pm.

MOTION CARRIED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays

Supervisor Magryta opened the Regular Meeting at 7:16pm.

Supervisor Magryta asked if the Board was prepared to vote on the Local Law for Stormwater Management.

The Board was ready to proceed.

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Council Member Livsey made motion seconded by Council Member Tautel to adopt the Resolution of SEQR Designation and Determination – Local Law #1 of 2010 a Local Law Adding a New Chapter 164 Entitled “Stormwater Management” to the Code of the Town of Highlands.

**RESOLUTION ADOPTED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

******RESOLUTION ATTACHED******

Council Member Gokey made a motion seconded by Council Member Tautel to adopt the Resolution to adopt Local Law #1 of 2010 Adding a New Chapter 164 Entitled “Stormwater Management” to the Code of the Town of Highlands.

**RESOLUTION ADOPTED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

******RESOLUTION ATTACHED******

PUBLIC COMMENT

Joan Buchholz presented the Town Clerk with letters opposing the cell tower.

Victor Crapanzano and Ann Burley both spoke against a cell tower being put up in Fort Montgomery.

Supervisor Magryta said that this issue has not even come before the Board yet.

Mr. Rider said that while the Town Board takes this matter seriously, the approval process is with the Planning Board.

MINUTES

Council Member Tautel made a motion seconded by Council Member Livsey to approve the minutes from the March 15, 22 and 25 Town Board meetings/workshops.

**MOTION CARRIED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

AUDIT OF ACCOUNTS PAYABLE

Supervisor Magryta has the Accounts Payable Register dated 3/25/10 in the amount of \$263,569.66. The Supervisor explained that \$174,746 of that money is for Motorola Credit Corp. (the Town's Communication System).

Council Member Livsey made a motion seconded by Council Member Gokey to approve the Accounts Payable Register dated 3/25/10 for \$263,569.66.

**MOTION CARRIED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

BURNING REGULATIONS

Council Member Edsall said that the State has amended their regulations and they no longer allow burning of trash or leaves. Mr. Edsall said the Town code is not aligned with the State code and he would like the Town to be more restrictive than the State.

Council Member Livsey asked Building Inspector Marshall how many burning permits are issued.

Mr. Marshall stated that approximately 25-30 burning permits are issued per year. Mr. Marshall informed the Board that no burning is allowed between March 15 and May 15 per DEC (Department of Environmental Conservation).

Supervisor Magryta does not want to eliminate all burning, but he would like to better control nuisance burning.

Mr. Rider said the existing code can be changed with a Local Law and Public Hearing.

Supervisor Magryta asked Mr. Rider to draft something up for the next meeting.

CENSUS UPDATE

Council Member Gokey said that the census forms were sent to the Fort Montgomery Post Office with only a street address. The Post Office sent them back to the Census Bureau. Mrs. Gokey spoke to the Regional Director and asked for blank forms, but was told no. There are numbers available at the Town Hall to call if you have not received your census form by April 12. Also, there were forms available at the Fort Montgomery Post Office, but only Spanish were left at the time of this meeting.

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Supervisor Magryta asked Council Member Gokey to talk to her contact and see if the Town can get more forms.

Jill Stoll, a resident of Fort Montgomery, gave the Town Clerk blank census forms that she picked up in Rockland County.

The Board thanked Ms. Stoll.

ROUTE 9W PROPOSED CELL TOWER

Supervisor Magryta said that the cell tower would fall under the Planning Board and that no application has been filed yet.

Council Member Livsey said he just heard about this and he will keep the public informed as he learns more.

GRANT DISCUSSION

Council Member Tautel attended the Orange County Community Block Grant kick-off meeting and learned that the Town has an outstanding grant for approximately \$45,000. The Town needs to file a justification letter as to why the grant was not accepted. An unaccepted grant can cause problems getting grants in the future. This grant was written specifically to help the homeowners who were affected by MTBE and the money will go to the cost of hooking up to municipal water.

Council Member Tautel also said that the Town can apply for a \$125,000 grant or a multiple year grant for \$375,000 for sewer/water and she will ask Tony Squicciarini and Council Member Edsall to look into it. The application is due May 18. A Public Hearing will be needed and a copy of the minutes from the public hearing will need to be attached to the application.

Supervisor Magryta would like to discuss this at the Town Board workshop. The Supervisor would also like more information on the Settlement Master by the workshop.

Mr. Rider said that as of the last time he spoke to the Settlement Master there was nothing officially scheduled.

Council Member Tautel heard that Pat Hines, from MHE, has not received clearance on the maps from AFR.

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Mr. Rider said there is no official agreement release on the maps. Mr. Rider spoke to Mr. Feury recently and he said he is not willing to release the plans.

Supervisor Magryta said the Board needs more information and asked Mr. Rider to speak to the Settlement Master.

Mr. Rider stated that the settlement documents contain some confidential matters and some issues should be discussed in Executive Session.

AMBULANCE – EVOLUTION UPDATE

Council Member Gokey said the Ambulance Corps will begin using the electronic PCR's on April 19.

Capt. Stoppel said there was a terrible accident recently and there will be a de-briefing soon. He thanked the Fort Montgomery Fire Department and Highland Falls Fire Department for all their help during recent calls. He also informed the Board that the new communications system is excellent.

DIAL-A-BUS TRAINING

Council Member Tautel received a request from Colleen Solan, Dial-A-Bus Manager, to attend STOA training in East Syracuse on May 4. The cost is \$49 for the night.

Council Member Livsey made a motion seconded by Council Member Tautel to approve Colleen Solan to attend the training on May 4, 2010.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Colleen Solan also informed the Board that the Dial-A-Bus is at Ford for repair and will be out of service for a couple of days.

STATE AUDIT/COMPTRROLLER UPDATE

Supervisor Magryta said that Kelly Blauvelt, the new Comptroller, has discovered that there have been no bank reconciliations done for some time and it is being rectified. It was also brought up that the pay periods are not the same for all employees and the Supervisor would like to discuss this at the workshop.

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Council Member Tautel would also like to discuss certain things from the Employee Handbook like Department Heads and Retirement at the workshop.

Supervisor Magryta will ask Ms. Blauvelt to attend the workshop.

Supervisor Magryta spoke with the State Comptroller to let them know about the change and ask for an audit. They have a request from Albany to do an audit in the Town of Highlands, but the earliest they can come is June if it is approved.

Supervisor Magryta said that Nugent and Hauseur will do a modified 2009 audit after tax season. Ms. Blauvelt has said she will be ready to begin in July.

Council Member Gokey said she met with Ms. Blauvelt and she is doing a great job going through everything.

Supervisor Magryta said there is a big effort being put forth from that office.

LOCAL LAW – DENSITY

Supervisor Magryta said there was a public hearing previously on this and asked the Board if they were prepared to vote tonight.

Mr. Rider said this Local Law implements the recommendations of the Comprehensive Plan.

Council Member Tautel made a motion seconded by Council Member Livsey to adopt the Resolution of SEQR Designation and Determination a Local Law Amending Schedule II Table of Dimensional Regulations Residence Districts a Portion of Chapter 210 Entitled “Zoning” of the Code of the Town of Highlands: R-5 Density.

RESOLUTION ADOPTED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)

0-nays

******RESOLUTION ATTACHED******

Council Member Gokey made a motion seconded by Council Member Edsall to adopt the Resolution to Adopt a Local Law Amending Schedule II Table of Dimensional Regulations Residence Districts a Portion of Chapter 210 Entitled “Zoning” of the Code of the Town of Highlands: R-5 Density.

RESOLUTION ADOPTED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)

0-nays

******RESOLUTION ATTACHED******

PUBLIC COMMENT

Charlie Murphy thanked the Board for their fiscal responsibility and reminded everyone that there will be transportation provided to attend the rally in Albany to let the state legislature know that there was a miscalculation in the state aid for the Town of Highlands. The bus will leave the Library at 7:30am on April 20.

Deborah Kopald said that a pragmatic review prompted the legal notice in the paper and she would like to discuss the cell tower issue further at the workshop. Ms. Kopald informed the Board that wi-fi gives off more radiation than a tower.

Council Member Livsey said that Mrs. Brahm, Librarian, is going to set up a meeting between himself, Ms. Kopald and the Library Board.

Council Member Gokey made a motion seconded by Council Member Tautel to go into Executive Session to discuss: 1 – The medical, financial, credit or employment history of a particular person or corporation, or matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; and 2 – Proposed, pending or current litigation. Board went into Executive Session at 9:25pm

**MOTION CARRIED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Livsey made a motion seconded by Council Member Tautel to close the Executive Session. Executive session closed at 10:34pm.

**MOTION CARRIED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Tautel made a motion seconded by Council Member Gokey to adjourn the meeting. Meeting adjourned at 10:35pm.

**MOTION CARRIED: 5-eyes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Attest,