

## **TOWN BOARD**

The Town Board, Town of Highlands, held a Public Hearing and Regular Meeting on August 9, 2010 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Edward Magryta	----	Supervisor
	Holly Gokey	----	Council Member
	William Edsall	----	Council Member
	Mervin R. Livsey, Jr.	----	Council Member
	Laurie R. Tautel	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

Supervisor Magryta opened the meeting at 7:10pm.

Supervisor Magryta informed the public that he spoke to Supt. Squicciarini regarding the sign on Kaplan Way and it should be fixed by the next meeting.

Council Member Livsey honored Peter Talman, a recent O'Neill graduate, and presented him with a certificate for making the NYS Allstate 3<sup>rd</sup> Team in baseball.

### **PUBLIC HEARING**

Supervisor Magryta opened the Public Hearing for Local Law #3 of 2010 – A Local Law Amending and Restating Chapter 90 Entitled “Burning, Outdoor” of the Code of the Town of Highlands.

Supervisor Magryta asked if there was anyone from the public who would like to speak on this Local Law.

Nancy Patrick asked Supervisor Magryta to clarify the burning laws.

Justin Rider explained the laws to Mrs. Patrick.

Mrs. Patrick said that in the past, her neighbors have burned when she believed the conditions were too dry. She asked why a burning permit would be issued when the conditions were not good.

Supervisor Magryta said that burning permits are issued with cooperation between the Building Department and the Fire Department.

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Council Member Edsall believes that this law is the next best thing to no burning.

Council Member Tautel made a motion seconded by Council Member Gokey to close the public hearing. Public Hearing closed at 7:24pm.

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

Council Member Livsey made a motion seconded by Council Member Gokey to adopt the resolution of SEQR Designation and determination for Local Law #3 of 2010 – a Local Law Amending and Restating Chapter 90 Entitled “Burning, Outdoor” of the Code of the Town of Highlands.

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

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

Council Member Livsey made a motion seconded by Council Member Gokey to adopt Local Law #3 of 2010 - a Local Law Amending and Restating Chapter 90 Entitled “Burning, Outdoor” of the Code of the Town of Highlands.

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

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

**PUBLIC COMMENT**

Ann Marie Feducia asked if the new burning regulations were going to be published in the paper.

Supervisor Magryta said that it would not be published, but it would be available in the Town Clerk’s office.

John Wood asked about the John Baglivi handicapped ramp at Garrison Pond.

Council Member Livsey said he spoke to Mr. Baglivi, but he has to check with the insurance and the attorney.

June Gunza asked if the proposed parking lot in Fort Montgomery would be a benefit to the residents.

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Supervisor Magryta said there would be no financial benefit to the Town to sell this property without water. After services are available to the property, the Town will look at what is in the best interest of the Town.

June Gunza would like the Town and Village Boards to sit down and talk about consolidation.

Supervisor Magryta asked Ms. Gunza to speak to the Village Board and come back to him with a list and he will do the same with the Town Board.

Andy Schmar, the Executive Director of the Hudson Highlands Land Trust, introduced Kathy who will be attending the Town Board meetings.

Supervisor Magryta said that Mr. Schmar's organization is tremendous.

James Titolo would like to see the Board vote on the proposed temporary parking lot tonight. He also agrees with consolidation and would like to try to set up a meeting with the Village and Town Boards for mid September at the Library.

### MINUTES

Council Member Edsall made a motion seconded by Council Member Livsey to approve the minutes from the July 12, 2010 Town Board meeting.

**MOTION CARRIED: 3-eyes (Magryta, Edsall, Livsey)**  
**0-nays**  
**2-abstain (Gokey, Tautel)**

Council Member Tautel made a motion seconded by Council Member Edsall to approve the minutes from the July 26, 2010 Town Board workshop.

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

### AUDIT OF ACCOUNTS PAYABLE

Supervisor Magryta has the Audit of Accounts Payable dated July 16, 2010 in the amount of \$31,430.19.

Council Member Gokey made a motion seconded by Council member Livsey to accept the Audit of Accounts Payable dated July 16, 2010.

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

**STATE COMPTROLLER AUDIT UPDATE**

Supervisor Magryta attended the closeout meeting with the State auditor on August 3. The auditor pointed out two important things: 1) Many checks/balances did not exist and the ones that did exist were not followed; 2) the previous Town Board's oversight on financial matters was problematic.

Council Member Tautel asked when the Town could expect the auditor's report.

Supervisor Magryta said it should be available in approximately three (3) months. The Supervisor informed the Board that the final report will be available for viewing on the State Comptroller's website.

Council Member Livsey said there is a tremendous load in the Comptroller's office and he applauds Mrs. Blauvelt for all the work she has done.

Supervisor Magryta was told by the Auditor that Mrs. Blauvelt is a big asset to the Town.

Supervisor Magryta would like to propose televising the budget workshops. The Supervisor would like to hold the workshops on alternate Mondays and Thursdays if needed.

Council Member Edsall suggested making the Town Board workshop a budget meeting if time is short.

Supervisor Magryta said the Department Heads will be getting the budget information by September 1. The Supervisor stressed that padding of budgets is over.

Council Member Livsey reminded the Supervisor about the Police and Highway contracts and also suggested starting the workshops earlier than 7:30pm.

Supervisor Magryta said the Board can discuss the time to start the workshops. The Supervisor also said that the Police and Highway contracts expire at the end of the year and those will be discussed.

**RESOLUTION ON RETIREMENT ACCOUNTING OF HOURS FOR ELECTED OFFICIALS**

Supervisor Magryta said if an elected official is in the retirement system they must report 90 days of hours worked to the Town Clerk. The Supervisor said that any official that has submitted their time is on the resolution for tonight and the remainder of the officials will be put on a resolution within the next five (5) months.

Council Member Tautel made a motion seconded by Council Member Livsey to adopt the Standard Work Day and Reporting Resolution.

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

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

**DIRECT DEPOSIT/PAYCHECK RELEASE POLICY**

Supervisor Magryta said that while he would like to have all employees enroll in direct deposit, State Law prohibits the Town from making it mandatory. The Supervisor did stress that unless you are picking up your check/stub yourself, you must have a signed release on file with the Comptroller. The Supervisor would like to discuss this further at another workshop.

**MUNICIPAL PARKING LOT PROPOSAL – PLAN OF ACTION**

Supervisor Magryta said that if approval is needed to use that lot as a parking lot, the Board will do it and in the meantime, he would like Mr. Squicciarini to start removing bushes and cleaning up the lot.

Council Member Livsey would like to have a parking lot there to benefit the Town residents until the property can be sold and put back on the tax rolls.

After a lengthy discussion the following motion was offered:

Council Member Edsall made a motion seconded by Council Member Livsey to authorize Mr. Squicciarini to take down the hedges, remove the chain and clean up the lot.

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

Supervisor Magryta will put this on for the workshop and notify Mr. Squicciarini of the action that was taken.

**AMBULANCE REPLACEMENT**

Supervisor Magryta asked Capt. Stroppel to present his proposal to the Board.

Capt. Stroppel said that Ambulance 385 is almost 16 years old and is getting tired. He would like permission from the Board to go out to bid for a new ambulance. The money is available in a reserve account set up for the purchase of a new ambulance.

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Supervisor Magryta and the Board agreed that they would need more information before they can approve the purchase of a new ambulance.

After a lengthy discussion the following motion was offered:

Council Member Tautel made a motion seconded by Council Member Gokey to authorize Capt. Stoppel to go out to bid for a new ambulance and also get an option for a lease.

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

### **POLICE DEPARTMENT REQUEST**

Council Member Gokey received a request from OIC Bailey to hire a new officer. Mrs. Gokey said there is a big turnover of officers and it costs the Town money every time a new officer is hired. She suggested that the officers be required to stay for a minimum amount of time or be responsible for the cost of their supplies.

Supervisor Magryta agreed with Council Member Gokey.

Justin Rider said that their contract should be reviewed before a decision is made.

Supervisor Magryta said that this issue can be brought up during the Police contract sessions. The Supervisor would like to discuss the potential new officer at the workshop.

### **DEC GRANT**

Council Member Tautel spoke to Laurie King about the DEC grant. She was informed that this grant was awarded in April 2004 for water lines from Highland Falls to Fort Montgomery and 75% of the money was given to the Town upfront. Ms. Tautel said that the Town has until October to find proof of how the money was spent, but the Town can get an extension.

Supervisor Magryta said the vendor who performed the work should have records of payments.

Council Member Tautel will ask Mrs. Blauvelt to look into this.

Supervisor Magryta informed Council Member Tautel that he would like to use the Comptroller only as a last resort.

**INVOICE FROM SEDORE (CPA FIRM)**

Council Member Tautel has an invoice from Sedore, a Hudson Valley based CPA Firm. This expense was not approved by the Board and Ms. Tautel does not feel comfortable signing it.

Supervisor Magryta asked Mr. Rider if the Town is responsible to pay the invoice if the expense was not authorized.

Mr. Rider said that the Town is not liable if they did not approve and enter into an agreement with Sedore.

Council Member Edsall said that if it can be verified that they did the work, they should be paid.

Council Member Gokey asked if the Town had any recourse.

Mr. Rider said the Town has recourse, but the Board would need to decide if the cost is worth it.

**DIAL-A-BUS**

Council Member Tautel met with Dial-A-Bus Manager, Colleen Solan, and was informed that the bus was down for repairs to the A/C. The bus was expected back on Wednesday and in the meantime the Recreation vehicle was being used to transport passengers. Ms. Tautel would like to re-consider Mrs. Solan's hours which are only part-time.

Supervisor Magryta said the Town should have a credit card soon and can then rent a van when the Dial-A-Bus is out of service.

**SOCCER GOAL POSTS AT BROOKS PARK**

Council Member Livsey said that the goal posts at Brooks Park are very old and dangerous and Mr. Willis has asked for permission to purchase new ones. The money is in the budget and Mr. Livsey would like the Board to authorize Mr. Willis to purchase new goal posts.

Council Member Tautel made a motion seconded by Council Member Gokey to authorize Jim Willis to purchase two (2) new goal posts, totaling \$1,199.99, for Brooks Park.

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

**PUBLIC COMMENT**

James Titolo would like to see the lot, in Fort Montgomery, put on the market, he would like the Town Board to talk to the Village Board about consolidation at the next meeting and he hopes the Board reviews the ambulance bid before it goes out. Mr. Titolo also offered to look at the header at the ambulance building to possibly adapt it to accommodate a normal height ambulance.

Supervisor Magryta asked Council Member Gokey to speak to Mr. Titolo about the header.

Council Member Livsey made a motion seconded by Council Member Tautel to go into Executive Session to discuss: 1) proposed, pending or current litigation; 2) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The Board went into executive session at 10:05pm.

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

Council Member Tautel made a motion seconded by Council Member Edsall to close the executive session. Executive session closed at 11:07pm.

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

Council Member Livsey made a motion seconded by Council Member Tautel to adjourn the meeting. Meeting adjourned at 11:08pm.

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

Attest,

RESOLUTION

OF

AUGUST 9, 2010

RESOLUTION OF SEQR DESIGNATION  
AND DETERMINATION  
A LOCAL LAW AMENDING AND RESTATING  
CHAPTER 90 ENTITLED "BURNING, OUTDOOR"  
OF THE CODE OF THE TOWN OF HIGHLANDS

Council Member **Livsey** presented the following resolution which was seconded by Council Member **Gokey**.

WHEREAS, the Town Board of the Town of Highlands adopted a resolution on the 26<sup>th</sup> day of July, 2010 ordering a public hearing to be held on the 9<sup>th</sup> day of August, 2010, at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #3 of the Year 2010 entitled "A Local Law Amending and Restating Chapter 90 entitled 'Burning, Outdoor' of the Code of the Town of Highlands;" and

WHEREAS, the Town Board has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of Local Law #3 of the year 2010 (the "Action"); and

WHEREAS, the Town Board has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law, and accordingly does not require a coordinated review; and

WHEREAS, the Town Board has heretofore reviewed the EAF together with any other supporting information, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board does determine that the adoption of Local Law #3 of the Year 2010 entitled "A Local Law Amending and Restating Chapter 90 entitled 'Burning, Outdoor' of the Code of the Town of Highlands," is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and does not require a coordinated review.
2. The Town Board does further determine that it is the single involved agency and as it is proposing to directly undertake the Action does further declare itself the lead agency for the purpose of conducting a review of this Action and determines that said Action will not have a significant adverse environmental impact and, therefore, does issue a negative declaration.
3. The Town Board hereby authorizes the Supervisor to execute and file the Environmental Assessment Form and Negative Declaration attached hereto in accordance with the applicable provisions of law.
4. The Town Clerk shall maintain the EAF, Negative Declaration and all other SEQR documents and notices pertaining to the Action on file and available to the public during regular business hours.

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

Mervin R. Livsey, Jr., Councilman voting **Aye**

Laurie R. Tautel, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William W. Edsall, Councilman voting **Aye**

Edward Magryta, Supervisor voting **Aye**

The resolution was thereupon declared duly adopted.

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a regular meeting of the Town Board, Town of Highlands, on August 9, 2010.

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June Patterson, Town Clerk

RESOLUTION  
OF  
AUGUST 9, 2010

A RESOLUTION TO ADOPT  
A LOCAL LAW AMENDING AND RESTATING  
CHAPTER 90 ENTITLED "BURNING, OUTDOOR"  
OF THE CODE OF THE TOWN OF HIGHLANDS

Council Member **Livsey** moved the following resolution which was seconded by Council Member **Gokey**.

**WHEREAS**, the Town Board of the Town of Highlands adopted a resolution on the 26<sup>th</sup> day of July, 2010 ordering a public hearing to be held on the 9<sup>th</sup> day of August, 2010, at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #3 of the Year 2010 entitled "A Local Law Amending and Restating Chapter 90 entitled 'Burning, Outdoor' of the Code of the Town of Highlands;" and

**WHEREAS**, a notice of Public Hearing was duly advertised on the 30<sup>th</sup> day of July, 2010 in The News of the Highlands and posted on the Town Clerk's sign board on the 27<sup>th</sup> day of July, 2010; and

**WHEREAS**, the Public Hearing was duly held on the 9<sup>th</sup> day of August, 2010 at 7:00 o'clock p.m., at Town Hall, 254 Main Street, Highland Falls, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

**WHEREAS**, the Town Board of the Town of Highlands has conducted an environmental review of the proposed adoption of the Local Law under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law ("SEQRA") and has determined that said action will not have an adverse environmental impact and, accordingly, issued a negative declaration; and

**WHEREAS**, the Town Board of the Town of Highlands, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Town Board of the Town of Highlands hereby adopts said Local Law #3 of the Year 2010 entitled "A Local Law Amending and Restating Chapter 90 entitled 'Burning, Outdoor' of the Code of the Town of Highlands."

2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Highlands and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

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

Mervin R. Livsey, Jr., Councilman voting **Aye**

Laurie R. Tautel, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William W. Edsall, Councilman voting **Aye**

Edward Magryta, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a regular meeting of the Town Board, Town of Highlands, on August 9, 2010.

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June Patterson, Town Clerk

## STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Highlands hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

TITLE	NAME	SSN	REG #	WORK DAY	TERM	DAYS/MTH
Supervisor	Edward Magryta	5581	43440502	8	01/01/10 – 12/31/11	17
Town Clerk	June Patterson	6815	36002772	8	01/01/10 – 12/31/11	17.5
Board Member	Holly Gokey	9000	43447598	8	01/01/10 – 12/31/13	10.5

On this **9th** day of **August, 2010**

\_\_\_\_\_  
Signature of Clerk

I, **June Patterson**, clerk of the governing board of the Town of Highlands, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the **9th** day of **August, 2010** on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board consists of **5** members, and that **5** of such members were present at such meeting and that **5** of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF HIGHLANDS.

Motion made by **Council Member Livsey** seconded by **Council Member Gokey**.

Roll call vote resulted:

Mervin R. Livsey, Jr., Council Member	voted <b>Aye</b>
Laurie R. Tautel, Council Member	voted <b>Aye</b>
Holly Gokey, Council Member	voted <b>Aye</b>
William Edsall, Council Member	voted <b>Aye</b>
Edward Magryta, Supervisor	voted <b>Aye</b>