

TOWN BOARD

The Town Board, Town of Highlands, held a workshop meeting on Monday, August 23, 2010 at Town Hall, 254 Main St, Highland Falls, NY 10928 at 7:30pm.

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

Supervisor Magryta opened the workshop at 7:30pm.

PUBLIC COMMENT

Chris Byrnes, President of the Town of Highlands Ambulance Corps, said the 16 year old ambulance needs to be replaced. The Town needs to think about the safety of the residents.

Joan Cronin said that when someone needs an ambulance they expect it to be there. She doesn't understand why the Board is waiting since the money is already in the budget.

Supervisor Magryta said the Board is not waiting. A bid package has gone out with an opening date of September 20.

TOWN SUPERVISOR – NEW TOWN FINANCIAL ISSUES

Supervisor Magryta brought up three (3) important issues:

- 1) MTA Tax – Comptroller Blauvelt has informed the Supervisor that the Town pays \$3,700 per year for the MTA Tax. This money was not budgeted for and money will need to be transferred to the payroll account at the end of the year.
- 2) School Tax Collection – The Town has been collecting the school taxes with no compensation. The school is responsible to pay BAS, the software company, on a yearly basis. The school paid the bill in 2007, but not in 2008 or 2009. Comptroller Blauvelt will prepare an invoice for those years and forward it to the school. The Supervisor has been informed that BAS is now the county wide software provider and the municipalities will no longer be receiving a bill.
- 3) Sanitation Fees – The HFFMCSD was billed \$2,333 per month from January 2006 thru December 2008 for dumpster pick up. At the end of 2008 they went with a private contractor for pick up. The school paid the monthly bill in July and August of 2008 which leaves them with a balance of \$79,333. The Supervisor has asked Comptroller Blauvelt to prepare an invoice for this amount.

ASSESSOR/DEPUTY TOWN CLERK/DEPUTY REGISTRAR – APPOINTMENT & SALARY REQUESTS

Assessor

Supervisor Magryta reminded everyone that the Town's Assessor retired at the end of June. Council Member Gokey has recommended Jean Talman, the current Assistant Assessor, be appointed to the Assessor's position. The Assistant Assessor's position will be eliminated.

Council Member Gokey made a motion seconded by Council Member Edsall to appoint Jean Talman to the position of Assessor at an annual salary of \$40,292.

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

Deputy Town Clerk/Deputy Registrar

Council Member Tautel made a motion seconded by Council Member Gokey to appoint Lesley K. Peterson to the positions of Deputy Town Clerk/Deputy Registrar at an hourly rate of \$14.73.

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

RESOLUTION – INTERVENING PARTY TO THE MTA PAYROLL TAX LAWSUIT

Supervisor Magryta said that at the Special meeting there was a discussion about the Town joining the other municipalities in the lawsuit challenging the MTA payroll tax. The Supervisor asked Mark Taylor to explain further.

Mr. Taylor explained that Nassau County has commenced a lawsuit challenging the enactment of the MTA mobility tax. The Town of Highlands can intervene in the lawsuit for a minimal cost and the Town can also retain Chester's attorney's which are Bonacic, Krahulik, Cuddeback, McMahon & Brady LLP.

Supervisor Magryta said that the citizens of the Town of Highlands are receiving no benefit from this tax and he believes that the lawsuit has merit.

Council Member Gokey made a motion seconded by Council Member Livsey to adopt the Resolution Authorizing Town of Highlands to Intervene in Lawsuit Challenging MTA "Regional Mobility" Payroll Tax with Other Orange County Municipalities.

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

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

RESOLUTION – RECEIVER OF TAXES FEE FOR SCHOOL TAX COLLECTION

Supervisor Magryta said that a majority of municipalities in Orange County that collect school taxes charge a fee. The Town of Highlands does not charge a fee. The Town can collect up to 1% of the total tax collected. The Supervisor would like the Board to consider charging 1/10 of 1% of the tax levy and after 30 days raise that to 1%. Supervisor Magryta explained that there will be no net increase to the taxpayers. The amount, which is now charged on the Town tax, will now be charged on the School tax bill.

Council Member Livsey made a motion seconded by Council Member Edsall to Authorize Town of Highlands Receiver of Taxes to Institute a Fee on the Collection of School Taxes Pursuant to Town Law Section 37.

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

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

GRANT STATUS

Brook's Park

Supervisor Magryta asked Council Member Livsey to update everyone on Brook's Park.

Council Member Livsey received a phone call from the State informing him that the proposed contract is moving forward and that the Supervisor would need to sign the contract to keep it going. There are some items that will be taken out of the grant and others that will be added. Mr. Livsey would like to add dugouts and a pavilion to the grant. Mr. Livsey further stated that on Saturday, August 28 there will be a gathering at Brook's Park to discuss the park. Mr. Livsey said that the total cost will be \$82,360 and the State's share would be ½ that.

Recreation

Council Member Livsey said there have been questions about where the Town sports are going to be held. Mr. Livsey informed everyone that soccer will be held at Brook's Park and Roe Park, West Point has been contacted about allowing the Town to hold their winter basketball program there and it still remains to be seen with the spring sports. Council Member Livsey assured all that the children are the #1 priority and all activities will proceed.

Supervisor Magryta said that Council Member Magryta is looking at all options because the school is charging too much for the use of their facilities.

Council Member Livsey made a motion seconded by Council Member Tautel authorizing Supervisor Magryta to execute the contract and appropriate documents for the grant as amended by the discussion taken place by the State.

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

DEC Contract Funding Grant

Supervisor Magryta asked Council Member Tautel for an update on the DEC Contract Funding Grant.

Council Member Tautel said she was on vacation and has nothing new to report.

Dial-A-Bus Status

Council Member Tautel asked Mr. Rider to review the Dial-A-Bus contract. Ms. Tautel said that a Dial-A-Bus driver needs to be hired as soon as possible and she wondered if a driver could start before taking a drug test. Council Member Tautel will speak to Mrs. Solan.

Supervisor Magryta announced that the Town has received a credit card and can now rent a vehicle if the bus is out of service. The Supervisor asked if the Town has a rider, on the insurance, which covers rentals with passengers.

Council Member Tautel said that if the driver is a Town employee with the proper license, the Town is covered.

Supervisor Magryta said Ralph Montellese, a current Town employee, could drive or if the vehicle carries under 15 passengers then Colleen Solan can drive.

JUSTICE COURT – BUDGET TRANSFER REQUEST

Supervisor Magryta received a request from Justice Donaldson for the Board to approve a change fund of \$400 for the Court Clerks. This money will be transferred from the Other Expense line in his budget.

Council Member Livsey made a motion seconded by Council Member Gokey to approve the transfer of \$400 from the Other Expense line to create a change fund for the Court Clerks.

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

TOWN OF HIGHLANDS AMBULANCE CORPS – AMBULANCE REQUEST DISCUSSION

Supervisor Magryta asked Council Member Gokey to present this to the Board.

Council Member Gokey explained that there has been a request for a new ambulance. The Bid package was advertised last week and the last day to put a bid in is September 20. Capt. Stropfel provided a lease option, which was very expensive and the question of enlarging the doors also proved to be very expensive.

Capt. Stropfel said that he didn't bring up the option of the doors because there is asbestos in the ceiling, which has been sealed and if the seal is broken it will be very expensive to get it cleaned up. Capt. Stropfel also informed the Board that the repairs on the old ambulance are starting to get expensive and he believes that there is now an electrical problem.

Supervisor Magryta asked Capt. Stropfel if he thought the ambulance was unsafe.

Capt. Stropfel said he does not believe that, as of today, the ambulance is unsafe.

Supervisor Magryta said it is important that the public know the ambulance is safe, in service and that the bid process has begun.

PERSONNEL – TOWN OF HIGHLANDS POLICE REQUEST FOR NEW HIRE

Supervisor Magryta said that Officer Pete Baker, who was in an accident, is sore, but recovering. Officer Baker should be out of work for approximately another three (3) weeks.

Supervisor Magryta has a request from OIC Bailey to hire Joseph P. Mercurio as a part-time police officer. The Supervisor explained that neither were available tonight, but will be attending the next meeting.

Council Member Livsey made motion seconded by Council Member Tautel to hire Joseph P. Mercurio as a part-time police officer at the set rate of pay for new hires.

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

PUBLIC COMMENT

Frank Cassano is concerned about the gas cans in the vehicle that provided transportation when the Dial-A-Bus was out of service.

Supervisor Magryta said that the gas cans were overlooked when the Town was trying to get transportation to the residents, but they will be removed in the future.

EXECUTIVE SESSION

Council Member Gokey 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 9:45pm.

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

Council Member Livsey made a motion seconded by Council Member Edsall to close the executive session. Executive Session closed at 9:58pm.

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

Council Member Edsall made a motion seconded by Council Member Livsey to adjourn the workshop meeting. Meeting adjourned at 9:59pm.

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

Attest,

RESOLUTION

OF

AUGUST 23, 2010

RESOLUTION AUTHORIZING TOWN
OF HIGHLANDS RECEIVER OF TAXES
TO INSTITUTE A FEE
ON THE COLLECTION OF SCHOOL TAXES
PURSUANT TO TOWN LAW SECTION 37

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

WHEREAS, New York State Town Law Section 37(1) authorizes the Town Board to institute a fee authorizing the receiver of taxes and assessments to receive taxes for thirty days after the first day specified in the notice for the payment of such taxes, at a charge of not more than one per centum upon such taxes; and

WHEREAS, New York State Town Law Section 37(1) authorizes the Town Board to institute a fee authorizing the receiver of taxes and assessments to receive taxes following the expiration of the thirty days after the first day specified in the notice for the payment of such taxes, at a charge of not more than five per centum upon such taxes; and

WHEREAS, previously the Town Board was not charging any such fees; and

WHEREAS, the Town Board believes it is in best interest of the Town to charge said fees to cover the administrative costs of collecting school taxes.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Highlands hereby authorizes the institution of a fee of **1/10 of 1%** per centum upon school taxes collected for thirty days after the first day specified in the notice for the payment of such taxes; and

BE IT FURTHER RESOLVED, that the Town of Highlands hereby authorizes the institution of a fee of **1%** per centum upon school taxes collected after thirty days after the first day specified in the notice for the payment of such taxes; and

BE IT FURTHER RESOLVED, that the foregoing resolutions shall take effect immediately, and the fees implemented with the 2010-2011 school taxes.

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

William Edsall, Council Member	voting: Aye
Holly Gokey, Council Member	voting: Aye
Laurie R. Tautel, Council Member	voting: Aye
Mervin R. Livsey, Jr., Council Member	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 workshop meeting of the Town Board, Town of Highlands, on August 23, 2010.

June Patterson, Town Clerk

RESOLUTION

OF

AUGUST 23, 2010

RESOLUTION AUTHORIZING TOWN
OF HIGHLANDS TO INTERVENE IN
LAWSUIT CHALLENGING
MTA "REGIONAL MOBILITY" PAYROLL
TAX WITH OTHER ORANGE COUNTY
MUNICIPALITIES

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

WHEREAS, the Town Board of the Town of Highlands has heretofore opposed the implementation of a metropolitan commuter transportation (MTA) "mobility tax", as recommended by the Commission on MTA Financing (the "Ravitch Commission"); and

WHEREAS, the Legislature and Governor Patterson have failed to act to repeal the MTA mobility tax which is imposed on top of 5 other MTA revenue impositions (sales tax, petroleum business tax, mortgage recording tax, telephone bill surcharge and maintenance of Metro North parking stations through charges to Orange County) on residents, employers and property owners in the Town of Highlands; and

WHEREAS, the County of Nassau has commenced a lawsuit challenging the enactment of the MTA mobility tax; and

WHEREAS, certain municipalities in Orange County have announced their decision to intervene in the lawsuit commenced by the County of Nassau (the "Challenging Towns and Villages of Orange County"); and

WHEREAS, the Town Board of the Town of Highlands determines it is in the Town of Highlands' best interest to join with those municipalities in the filing of the motion to intervene.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands in its capacity as governing body of the Town, hereby authorizes and empowers the Supervisor and officers of the Town to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, agreements, documents, checks and papers as are necessary for the Town to join the Challenging Towns and Villages of Orange County and intervene in the matter of the County of Nassau against the MTA mobility tax, as Petitioners or parties of interest, including but not limited to such documents and agreements as are necessary to authorize representation of the Town of Highlands by Bonacic, Krahulik, Cuddeback, McMahon & Brady LLP and to take such further actions as may be necessary to effectuate and carry out the aforesaid resolutions; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Highlands further requests said attorneys to attempt to take such steps as are necessary to minimize legal costs and cooperate with the County of Nassau as a party united in interest; and

BE IT FURTHER RESOLVED, that Bonacic, Krahulik, Cuddeback, McMahon & Brady LLP's total fees and reimbursable expenses under this authorization shall be capped at \$3,000.00 and Bonacic, Krahulik, Cuddeback, McMahon & Brady LLP shall not exceed said amount in the performance of services for the litigation without prior Town Board approval; and

BE IT FURTHER RESOLVED, that the foregoing resolutions shall take effect immediately.

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

<u>William W. Edsall, Council Member</u>	voting Aye
<u>Holly Gokey, Council Member</u>	voting Aye
<u>Laurie R. Tautel, Council Member</u>	voting Aye
<u>Mervin R. Livsey, Jr., Council Member</u>	voting Aye
<u>Edward Magryta, Supervisor</u>	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 workshop meeting of the Town Board, Town of Highlands, on August 23, 2010.

June Patterson, Town Clerk