

## TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, October 18, 2010 at Town Hall, 254 Main St, Highland Falls at 7:30pm.

PRESENT:	Edward Magryta	----	Supervisor
	Holly Gokey	----	Council Member
	William Edsall	----	Council Member
	Mervin R. Livsey, Jr.	----	Council Member
	Kelly Blauvelt	----	Comptroller
	June Patterson	----	Town Clerk
ABSENT:	Laurie R. Tautel	----	Council Member

Supervisor Magryta opened the meeting at 8:00pm.

### PUBLIC COMMENT

James Grant questioned the raises for the Comptroller and Supervisor.

Supervisor Magryta said the tentative budget has been available, to the public, since October 5. The Supervisor said that the last decision to be made on the budget will be for salaries and if taxes have to go up, there will be no salary increases.

Council Member Edsall said that these salary increases are the request of the Supervisor and has not been debated by the Board.

Frank Cassano said that at a previous meeting he asked some questions that have not been answered. Mr. Cassano asked counsel if the Board has to answer his questions.

Justin Rider said the Town Board is under no legal obligation to answer any questions.

### MINUTES

Council Member Livsey made a motion seconded by Council Member Gokey to accept the minutes from the October 7 meeting.

**MOTION CARRIED: 4-eyes (Magryta, Gokey, Edsall, Livsey)**  
**0-nays**  
**1-absent (Tautel)**

**TOWN BOARD**

**OCTOBER 18, 2010**

Council Member Livsey made a motion seconded by Council Member Gokey to accept the minutes from the October 14 meeting.

**MOTION CARRIED: 4-eyes (Magryta, Gokey, Livsey)**  
**0-nays**  
**1-absent (Tautel)**  
**1-abstain (Edsall)**

**AUDIT OF ACCOUNTS PAYABLE**

Council Member Edsall made a motion seconded by Council Member Livsey to accept the A/P Register, dated 9/13/10 in the amounts of \$829.50 and \$39,874.74.

**MOTION CARRIED: 4-eyes (Magryta, Gokey, Edsall, Livsey)**  
**0-nays**  
**1-absent (Tautel)**

Council Member Livsey made a motion seconded by Council Member Gokey to accept the A/P Register, dated 9/24/10 in the amounts of \$4,622 and \$105,275.30.

**MOTION CARRIED: 4-eyes (Magryta, Gokey, Edsall, Livsey)**  
**0-nays**  
**1-absent (Tautel)**

Council Member Edsall made a motion seconded by Council Member Gokey to accept the A/P Register, dated 10/07/10 In the amount of \$43,601.79.

**MOTION CARRIED: 4-eyes (Magryta, Gokey, Edsall, Livsey)**  
**0-nays**  
**1-absent (Tautel)**

**SUPERVISOR'S STATEMENT OF FISCAL AFFAIRS**

Supervisor Magryta stated that over the past six (6) months he has spend an enormous amount of time reviewing the Town's fiscal conditions. He said that this review was precipitated by a budget shortfall that was discovered in Feb/March of 2010. The Supervisor said there was a review by the State Comptroller, which found shortfalls in procedures and proper accounting processes. Supervisor Magryta said that as soon as the report from the State Comptroller is received, it will be made public. The Supervisor further stated that the Town is currently working on rectifying these financial issues.

**\*\*Attached is a copy of the financial document provided by the Supervisor\*\***

**PUBLIC COMMENT**

Frank Lilos thanked the Board for all their work and he believes that they deserve a raise.

Bobbie Fallon asked why the Town did not file an audit.

Supervisor Magryta said the Comptroller's Office was not able to produce the information needed.

Deborah Kopald asked the Supervisor for clarification on the sheet that was handed out.

Supervisor Magryta explained the information to Ms. Kopald

James Grant said the Board should be ashamed if they claim they didn't know what has been going on for five (5) years.

Christopher Byrnes said that this Board is doing a great job.

**BUDGET TRANSFER REQUEST-POLICE**

Supervisor Magryta has a request from OIC Bailey to transfer \$1,200 from B-3120-0440 (Contracted Services) to B-3120-0451 (Vehicle Maint) to cover the cost of snow tires for the vehicles.

Council Member Livsey made a motion seconded by Council Member Gokey to approve the budget transfer for \$1,200 requested by OIC Bailey.

**MOTION CARRIED: 4-eyes (Magryta, Gokey, Edsall, Livsey)  
0-nays  
1-absent (Tautel)**

**JUDICIAL REQUEST – GRANT**

Supervisor Magryta has a request from Judge Donaldson asking the Town Board to authorize submission of a grant to the Justice Court Assistance Program.

Council Member Livsey made a motion seconded by Council Member Gokey to authorize Judge Donaldson to apply to the Justice Court Assistance Program for a grant.

**MOTION CARRIED: 4-eyes (Magryta, Gokey, Edsall, Livsey)  
0-nays  
1-absent (Tautel)**

**DIAL-A-BUS/PASSENGER ASSISTANCE/STOA AUDIT**

Council Member Gokey said that Ms. Solan received a memo about the County doing their annual site visit. There are also some issues about what the drivers' responsibilities are when it comes to assisting passengers. Ms. Gokey said some Towns have a questionnaire that riders fill out indicating their limitations and she wondered if the Town should do the same.

Supervisor Magryta said this is something that needs to be reviewed by the entire Board and asked Council Member Gokey to contact Ms. Solan and ask her if anything is time sensitive.

**ORANGE COUNTY YOUTH BUREAU FUNDING**

Council Member Livsey was informed that a majority of the money that is given to Big Brothers/Big Sisters is used for administrative costs. Mr. Livsey said this money could benefit the entire Town of Highlands.

Council Member Gokey made a motion seconded by Council Member Livsey to accept the Orange County Youth Bureau Funding money of \$2,853 for Recreation and \$2,563 for Police for Town use.

**MOTION CARRIED: 4-eyes (Magryta, Gokey, Edsall, Livsey)  
0-nays  
1-absent (Tautel)**

**RESOLUTION ON WABNO**

Justin Rider explained that, if a property owner is not satisfied with the decision made by the Board of Assessment Review, they can sue the Town. Mr. Rider said this case has been going on for six (6) years and he recommends the Town settle.

Supervisor Magryta said that two (2) experts, Town Counsel and Appraiser, are recommending that the Town settle this case. If the case is not settled, it could end up costing the Town more money.

Council Member Edsall made a motion seconded by Council Member Gokey to adopt the Resolution to Authorize Settlement of Proceeding Under Article 7 of the Real Property Tax Law: WABNO Hotels Inc SBL #107-3-16 & 17 Index Nos. 2005-2010.

**RESOLUTION ADOPTED: 4-eyes (Magryta, Gokey, Edsall, Livsey)  
0-nays  
1-absent (Tautel)**

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

**BUDGET DISCUSSIONS**

Supervisor Magryta asked the Police and Ambulance Departments to present their numbers and, because of the late hour, the Board will follow up with them at another meeting.

Police:

The total 2011 budget request for the Police Department is \$625,514.

Ambulance:

The total 2011 budget request for the Ambulance District is \$190,353. Capt. Stroppel also requested that \$20,000 be put in a reserve fund for a new ambulance.

Supervisor Magryta held off any questions until the budget workshop on 10/21.

Council Member Livsey made a motion seconded by Council Member Gokey to adjourn the budget workshop. Budget workshop adjourned at 11:00pm.

**MOTION CARRIED: 4-eyes (Magryta, Gokey, Edsall, Livsey)**

**0-nays**

**1-absent (Tautel)**

Attest,

RESOLUTION

OF

OCTOBER 18, 2010

A RESOLUTION TO AUTHORIZE SETTLEMENT  
OF PROCEEDING UNDER ARTICLE 7  
OF THE REAL PROPERTY TAX LAW:  
WABNO HOTELS INC SBL # 107-3-16 &17  
Index Nos. 2005-2010

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

WHEREAS, WABNO Hotels Inc. (“Petitioner”) has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Highlands, Orange County, New York located at 17 Main Street (Section 107-Block 3-Lots 16&17) on the tax assessment rolls for the tax years 2005, 2006, 2007, 2008, 2009 and 2010; and

WHEREAS, counsel to the Town, Rider, Weiner & Frankel, P.C., has negotiated a settlement of the proceedings with the Petitioner, the terms of which are to be embodied in a proposed Consent Judgment and Stipulation of Discontinuance; and

WHEREAS, the Town’s Assessor concurs with such settlement; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs the Supervisor and Rider, Weiner & Frankel, P.C. to execute and deliver a Consent Judgment and Stipulation of Discontinuance on behalf of the Town; and

BE IT FURTHER RESOLVED, that Rider, Weiner & Frankel, P.C., the Town's Assessor and other officers of the Town are hereby authorized to take such actions and 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, documents and papers as may be necessary to effectuate and carry out the settlement; and

BE IT FURTHER RESOLVED that the aforesaid 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:

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

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

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 October 18, 2010.

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June Patterson, Town Clerk