

TOWN BOARD

The Town Board, Town of Highlands, held a Public Hearing and Workshop on Monday, December 20, 2010 at Town Hall, 254 Main Street, Highland Falls 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
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

**PUBLIC HEARING
LOCAL LAW #4 OF 2010**

Supervisor Magryta opened the Public Hearing for Local Law #4 of 2010 at 7:40pm.

There was no comment from the public or the Town Board.

Council Member Gokey made a motion seconded by Council Member Livsey to close the Public Hearing. Public Hearing closed at 7:45pm.

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

REGULAR MEETING

Council Member Tautel made a motion seconded by Council Member Gokey to adopt the Resolution of SEQR Designation and Determination a Local Law to Amend Chapter 72 Entitled "Animals" of the Code of the Town of Highlands to Provide for Procedures to be Followed in Relation to the Licensing of Dogs and to Amend Chapter 109 Entitled "Fees" of the Code of the Town of Highlands in Relation to Fees for Dog Licenses.

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

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

Council Member Tautel made a motion seconded by Council Member Livsey to adopt the Local Law to Amend Chapter 72 Entitled “Animals” of the Code of the Town of Highlands to Provide for Procedures to be Followed in Relation to the Licensing of Dogs and to Amend Chapter 109 Entitled “Fees” of the Code of the Town of Highlands in Relation to Fees for Dog Licenses.

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

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

PUBLIC COMMENT

Greg Maher urged the Board to go forward with the re-valuation.

Gus Fishburne asked how the Town, Village and School Boards would benefit from the re-valuation.

Supervisor Magryta said that the property owners would benefit.

Supervisor Magryta said the Town is hiring Appraisal Consultants to assist with the re-valuation. The Supervisor stressed that appraisal decisions would be made by the outside company, not someone from the Town.

James Galu disagrees with the re-valuation being done now.

Supervisor Magryta said that the experts say now is the best to do it.

BUDGET TRANSFER REQUEST

Supervisor Magryta has a request from the Comptroller to transfer \$560 from A1990.0400 (Contingent) to A8010.0400 (Zoning-Other Expenses) to cover the cost of an attorney bill.

Council Member Edsall made a motion seconded by Council Member Tautel to authorize the transfer of the \$560.

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

RE-VALUATION – DECISION

Council Member Gokey reported that the assessment of Rite Aid is \$900,000.

Council Member Livsey does not agree with doing the re-valuation at this time. He believes that the Town is not prepared.

Council Member Tautel questioned what would need to be budgeted for in 2012.

Supervisor Magryta said the most expensive part is the data collecting and the County will help.

Council Member Edsall thinks that a re-valuation is the fair thing to do and now is a good time.

Supervisor Magryta would like the Board to make a decision.

Council Member Gokey made a motion seconded by Council Member Edsall to engage in the re-valuation with Appraisal Consultants.

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

Supervisor Magryta asked Council Member Gokey to let the Assessor know what the decision was.

TAX EXEMPTION – COLD WAR VETERANS

Supervisor Magryta said that the Town of Highlands is one of a few Towns that do not offer the Cold War Exemption. The Supervisor would like to look at like-size Towns and see what they are doing.

Council Member Livsey believes that this is something that should be looked at.

Supervisor Magryta asked Council Member Gokey to look further into this for the next meeting. The Supervisor encouraged the Board to do research and ask questions.

TOWN TAX REBATE

Supervisor Magryta reported that because of the money that was found in the budget, the Town is considering a rebate. The Supervisor said that the rebate would be approximately \$150-200 per property and the Town would need permission from the State and Senate. The

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Supervisor will talk to the State, Senator Bill Larkin and Assemblywoman Nancy Calhoun to get things going.

TOWN BUDGET – DISCUSSION

Supervisor Magryta asked the Committee Members to contact their Department Heads about any encumbrances that may be needed.

Council Member Tautel would like the Board to consider allowing the Dial-A-Bus to go to Newburgh about once a month.

Supervisor Magryta said that with all the controversy on the raises, he has prepared some documents on different salaries here and in Orange County. (A copy of the handouts is attached)

Council Member Edsall said that he has won two (2) elections knowing what the salary was and he is happy to serve.

Council Member Livsey said that a lot of people have said to him that they can't afford the raises now.

Supervisor Magryta said he has had many people come to him and say that they get it.

Mrs. Ripa is against the raises and said that the money could be used for other things.

Mrs. Gunza said that the Town does not have the tax base for the raises.

Mrs. Ripa and Mrs. Gunza presented the Town Clerk and Town Board petitions that people signed opposing the raises.

OUTSTANDING COMMITTEE ISSUES

Council Member Tautel reported that the \$7,500 DEC grant was for the purchase of a site to build a holding facility for a back-up water supply. She said that because the property was not purchased, the money must be returned.

Supervisor Magryta said he would like to see if the money can be re-purposed since the Town already has a site.

Justin Rider said that because the Town acquired a piece of property for this, they may be willing to re-purpose the money.

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Council Member Tautel will check into this.

Council Member Tautel said that the grant for the Hamlet Center will expire on December 31 and wondered if the Board wanted to ask for an extension or close out the grant.

Supervisor Magryta asked if the extension would cost anything.

Council Member Tautel said it would not. Ms. Tautel would like to get out proposals for the Hamlet Center.

Mr. Rider said there is a lot of work to be done before the requests for proposals can go out.

Supervisor Magryta agreed to an extension.

Council Member Tautel will call and ask for the extension.

Council Member Tautel said that the Dial-A-Bus had work done and if it is not under warranty, money will need to be transferred to cover the cost. She also informed the Board that it was back in the shop for a fuel smell.

Supervisor Magryta asked Council Member Tautel to make the font, on the PBA Contract, as close to the original as possible. The Supervisor also asked Council Member Tautel to send the corrected copy to all Board members.

Council Member Tautel suggested that the Board work on consolidating the parks.

Council Member Livsey had a meeting with the Mayor, but doesn't want to get into it tonight.

Supervisor Magryta said there is a big issue with debt service.

Supervisor Magryta was approached by the Library and told that the downstairs space in the Library is available for utilization for office space or a community room. The Supervisor would like the Board to consider this opportunity.

WI-FI PRESENTATION

Deborah Kopald gave a presentation on the dangers of wi-fi.

TOWN JUSTICE APPLICATIONS

Supervisor Magryta said that four (4) applications have been received for the Town Justice position. The Supervisor would like to interview the applicants. The Supervisor asked the Board to review the resumes and give their opinion.

Mr. Rider explained that if the person appointed is an attorney, they can start immediately, but if the person is not an attorney, they must attend classes and there will not be one available until May 2011.

EXECUTIVE SESSION

Supervisor Magryta said there are a lot of things to discuss in Executive Session and, because of the late hour, wondered when the Board would be available to attend a special meeting.

Supervisor Magryta scheduled a special meeting, for the purpose of an Executive Session, on Thursday, December 30 at 7:00pm. The Supervisor will e-mail the issues for discussion to the Board.

The Supervisor and Town Board wishes everyone a safe and happy holiday season.

PUBLIC COMMENT

Sam ? said that he has been electrohypersensitive for 30 years and would like to see places post if they have wi-fi or not.

Council Member Tautel made a motion seconded by Council Member Livsey to adjourn the meeting. Meeting adjourned at 10:20pm.

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

Attest,

RESOLUTION

OF

DECEMBER 20, 2010

RESOLUTION OF SEQR DESIGNATION
AND DETERMINATION

A LOCAL LAW TO AMEND CHAPTER 72 ENTITLED
'ANIMALS' OF THE CODE OF THE TOWN OF HIGHLANDS TO
PROVIDE FOR PROCEDURES TO BE FOLLOWED IN
RELATION TO THE LICENSING OF DOGS AND TO AMEND CHAPTER 109
ENTITLED 'FEES' OF THE CODE OF THE TOWN OF HIGHLANDS
IN RELATION TO FEES FOR DOG LICENSES

Council Member **Tautel** 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 29th day of November, 2010 ordering a public hearing to be held on the 20th day of December, 2010, at 7:30 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #4 of the Year 2010 entitled "A Local Law to Amend Chapter 72 entitled 'Animals' of the Code of the Town of Highlands to Provide for Procedures to be Followed in Relation to the Licensing of Dogs and to Amend Chapter 109 Entitled 'Fees' of the Code of the Town of Highlands in Relation to Fees for Dog Licenses;" and

WHEREAS, the Town Board has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of Local Law #4 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 #4 of the Year 2010 entitled “A Local Law to Amend Chapter 72 entitled ‘Animals’ of the Code of the Town of Highlands to Provide for Procedures to be Followed in Relation to the Licensing of Dogs and to Amend Chapter 109 Entitled ‘Fees’ of the Code of the Town of Highlands in Relation to Fees for Dog Licenses,” 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.

RESOLUTION
OF
DECEMBER 20, 2010

A RESOLUTION TO ADOPT
A LOCAL LAW TO AMEND CHAPTER 72 ENTITLED
'ANIMALS' OF THE CODE OF THE TOWN OF HIGHLANDS TO
PROVIDE FOR PROCEDURES TO BE FOLLOWED IN
RELATION TO THE LICENSING OF DOGS AND TO AMEND CHAPTER 109
ENTITLED 'FEES' OF THE CODE OF THE TOWN OF HIGHLANDS
IN RELATION TO FEES FOR DOG LICENSES

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

WHEREAS, the Town Board of the Town of Highlands adopted a resolution on the 29th day of November, 2010 ordering a public hearing to be held on the 20th day of December, 2010, at 7:30 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #4 of the Year 2010 entitled "A Local Law to Amend Chapter 72 entitled 'Animals' of the Code of the Town of Highlands to Provide for Procedures to be Followed in Relation to the Licensing of Dogs and to Amend Chapter 109 Entitled 'Fees' of the Code of the Town of Highlands in Relation to Fees for Dog Licenses;" and

WHEREAS, a notice of Public Hearing was duly advertised on the **10th** day of **December, 2010** in The News of the Highlands and posted on the Town Clerk's sign board on the **30th** day of **November, 2010**; and

WHEREAS, the Public Hearing was duly held on the 20th day of December, 2010 at 7:30 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 #4 of the Year 2010 entitled "A Local Law to Amend Chapter 72 entitled 'Animals' of the Code of the Town of Highlands to Provide for Procedures to be Followed in

Relation to the Licensing of Dogs and to Amend Chapter 109 Entitled ‘Fees’ of the Code of the Town of Highlands in Relation to Fees for Dog Licenses.’”

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**