

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, June 13, 2011 at Town Hall, 254 Main St, Highland Falls, NY 10928 at 7:00pm.

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
	Lesley Peterson	----	Deputy Town Clerk

Supervisor Magryta opened the meeting at 7:11pm.

PUBLIC COMMENT

Greg Madigan expressed his appreciation to Council Member Livsey for making the improvements to Brooks' Park.

Supervisor Magryta said that Council Member Livsey has been working hard to make it look good.

Daniel Malarky complained about the lamp posts and utility poles that are being installed by his property. Mr. Malarky stated that the lamp posts are not on the site plan and the utility poles are shining a bright light into his windows. Mr. Malarky asked the Board what can be done and requested the response be in writing and be received within 45 days.

Justin Rider said that this is the Building Inspector's responsibility, but he will investigate it on behalf of the Board.

Supervisor Magryta told Mr. Malarky that the Building Inspector would get back to him.

MINUTES

Council Member Livsey made a motion seconded by Council Member Tautel to approve the minutes from the April 25 and May 9 meetings.

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

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Council Member Edsall made a motion seconded by Council Member Tautel to approve the minutes from the May 2 meeting.

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

AUDIT OF ACCOUNTS PAYABLE

Council Member Livsey made a motion seconded by Council Member Tautel to accept the A/P Register from 5/6/11 in the amount \$88,416.35, the A/P Register dated 5/20/11 in the amount of \$169,153.99 and the A/P Register dated 6/3/11 in the amount of \$30,299.38.

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

TOH POLICE – HIRING REQUEST

Supervisor Magryta has a request to hire Angelo Kutros as a part-time police officer.

Council Member Tautel made a motion seconded by Council Member Livsey to hire Angelo Kutros as a part-time police officer for the Town of Highlands.

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

RESOLUTION – ARTICLE 7 PROCEEDING OF THE REAL PROPERTY TAX LAW

Supervisor Magryta has a resolution to authorize settlement with Highland Greens MHP.

Council Member Edsall made a motion seconded by Council Member Tautel to adopt the Resolution to Authorize Settlement of Proceeding under Article 7 of the Real Property Tax Law: Highland Greens MHP, SBL #9-2-4.

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

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

RESOLUTION – TOWN BOARD LEAD AGENCY WATER DISTRICT #2

Supervisor Magryta informed everyone that the efforts for the improvements in Water District #2 are going well. The Supervisor said that the Town is almost at the stage where outside agencies need to be notified that the Town will be requesting to be lead agents in the process. The Supervisor also stated that, in the near future, the public will be informed about the details of the project. Supervisor Magryta said that the Town Board needs to approve a notice of intent to allow the Town to act as lead agent.

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Mr. Rider said that this is the initial step in the Environmental Quality Review Act indicating that the Town would like to be the lead agent. The notice will need to be out for 30 days before the Board can engage.

Council Member Gokey made a motion seconded by Council Member Livsey to adopt the Resolution Determining that the Town of Highlands Water District #2 Distribution System #1 is subject to SEQR and Declaring the Town Board's intent to Act as Lead Agency.

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

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

BROOK'S PARK UPDATE

Council Member Livsey reported that the sign is up at Brook's Park and he will be taking a picture of it to send to the State so the Town can begin getting reimbursed. Mr. Livsey stated that the next step is to put a pavilion up that will hold 5-6 picnic tables. Mr. Livsey spoke to Dr. Baker about the educational path around Brook's Park that will have educational stations and he spoke to Highway Supt. Squicciarini about the drainage. Council Member Livsey thanked the Highway Dept. and Town Board for all their help and cooperation. Council Member Livsey said that he would like the Town to regulate the parking at Long Pond. Mr. Livsey stated that the cars are blocking the beach which could be an issue if there was an emergency.

PUBLIC COMENT

Ann Marie Feducia asked about the \$29,000 tax reduction for Highland Green.

Council Member Gokey said it is a tax certiorari for a piece of property.

Supervisor Magryta said it is a very big piece of property in the Town and this issue dates back seven years. The Supervisor believes that a favorable settlement has been reached for both parties.

Pharoby Ripa asked if anything had been done on consolidation.

Council Member Tautel sent out an e-mail to the Town Board and Village Board in an attempt to set up a joint meeting.

Supervisor Magryta suggested that it might be more productive if smaller groups met, instead of a meeting with both boards, but he would leave that decision up to the board.

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Mr. Madigan asked the Board when they expected a public hearing to take place for the improvements to Water District #2.

Mr. Rider explained that a public hearing should take place in approximately 1-2 months.

Council Member Livsey made a motion seconded by Council Member Edsall to adjourn the meeting. Meeting adjourned at 8:12pm.

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

RESOLUTION

OF

JUNE 13, 2011

A RESOLUTION TO AUTHORIZE SETTLEMENT
OF PROCEEDING UNDER ARTICLE 7
OF THE REAL PROPERTY TAX LAW:
HIGHLAND GREENS MHP SBL # 9-2-4
Index Nos. 2004-2010

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

WHEREAS, Highland Greens MHP, LLC (“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 Section 9-Block 2-Lot 4 on the tax assessment rolls for the tax years 2004, 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 substantially in accordance with Exhibit A attached hereto; 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 **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 June 13, 2011.

June Patterson, Town Clerk

RESOLUTION

OF

JUNE 13, 2011

A RESOLUTION DETERMINING THAT THE
TOWN OF HIGHLANDS WATER DISTRICT #2
DISTRIBUTION SYSTEM EXTENSION #1
IS SUBJECT TO SEQRA AND
DECLARING THE TOWN BOARD'S
INTENT TO ACT AS LEAD AGENCY

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

WHEREAS, Town of Highlands Water District #2 was established in August, 2000, and was subject to a maximum expenditure of \$3,700,000 by order of the Department of Audit and Control of the New York State Comptroller's Office; and

WHEREAS, the initial work done in Water District #2 did not fully build out the system and the proposed infrastructure; and

WHEREAS, a map, plan and report dated June 13, 2011 has been duly prepared according to law by J.R. Folchetti & Associates, L.L.C., in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Highlands relating to the new facilities to be placed within the existing district; and

WHEREAS, said map, plan and report showing the facilities involved together with the boundaries of the District has been filed in the office of the Town Clerk of said Town, where the same is available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, the Town Board of the Town of Highlands has caused a full Environmental Assessment Form (the "EAF") to be prepared for the proposed Water District #2 distribution system extension (the "Action"); and

WHEREAS, the Town Board proposed to undertake, fund and approve the Action and wishes to assume Lead Agency status in connection with the review of the Action pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED, the Town Board pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617"), hereby determines that the Action is subject to SEQR and is an Unlisted Action; and

BE IT FURTHER RESOLVED, that the following agencies identified by the EAF, using all due diligence, are involved agencies for the Action:

New York State Department of Health;
New York State Environmental Facilities Corporation;
New York State Department of Environmental Conservation;
New York State Department of Transportation;
Orange County Department of Health;

and;

BE IT FURTHER RESOLVED, that the following are identified as interested agencies for the Action:

None

and;

BE IT FURTHER RESOLVED, that the Town Board hereby directs that a Lead Agency coordination letter be circulated among the various involved agencies together with copies of the EAF, and such other information as is appropriate, indicating the Town Board's intent to assume the role of Lead Agency for the Action under SEQRA and Part 617, and that copies thereof also be forwarded to all interested agencies for review and comment.

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 meeting of the Town Board, Town of Highlands on June 13, 2011.

June Patterson, Town Clerk

