

## TOWN BOARD

The Town Board, Town of Highlands, held a public hearing and meeting on Monday, September 12, 2011 at Town Hall, 254 Main St, Highland Falls, NY 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 7:08pm.

### PUBLIC COMMENT

Greg Madigan thanked everyone for a great job they did during Hurricane Irene.

### PUBLIC HEARING – LOCAL LAW #2 OF 2011 (Pertaining to Drop Boxes and Storage Containers)

Council Member Edsall made a motion seconded by Council Member Livsey to open the Public Hearing.

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

There were no comments from the public.

Council Member Livsey made a motion seconded by Council Member Tautel to adopt the Resolution of SEQR Designation and Determination for Local Law #2 of 2011.

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

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

Council Member Gokey made a motion seconded by Council Member Tautel to adopt the Resolution adopting a Local Law Amending Chapter 94 Entitled “Dumpsters and Garbage” of the Code of the Town of Highlands: Drop Boxes and Storage Containers.

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

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

**MINUTES**

Council Member Livsey made a motion seconded by Council Member Gokey to approve the minutes from the August 15, 22 and 27 Town Board meetings/workshops.

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

Council Member Tautel made a motion seconded by Council Member Gokey to approve the minutes from the August 18 meeting.

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

Council Member Gokey made a motion seconded by Council Member Edsall to approve the minutes from the August 8 meeting.

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

**AUDIT OF ACCOUNTS PAYABLE**

Council Member Gokey made a motion seconded by Council Member Gokey to accept the A/P Register dated 8/12/11 in the amount of \$128,320.

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

Council Member Livsey made a motion seconded by Council Member Gokey to accept the A/P Register dated 8/26/11 in the amount of \$57,029.26.

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

**TOWN SUPERVISOR – WATER DISTRICT #2 REMEDIATION UPDATE/CAP**

**Water District #2 Remediation**

Supervisor Magryta asked Justin Rider to update the public on the remediation project.

Mr. Rider said that the Building/Assessor Departments are reviewing, with the Receiver of Taxes, what was paid. Mr. Rider said the bond payments began in 2002 and that the Bond Schedule is \$248,700.

Supervisor Magryta confirmed with Mr. Rider that the worst case scenario for the debt is approximately \$447,000.

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Mr. Rider agreed with this.

Supervisor Magryta said that there are more parcels in the water district now.

Mr. Rider said that there were 315 parcels in the water district and now there are 385.

Mr. Rider said that the Supervisor wants him to clarify where the money has been paid, but unfortunately that will not be clear until all the evidence is available.

Mr. Rider said that the Board needs to look at paying back the money and decide how they want to design the point system.

Supervisor Magryta would like the Board to consider meeting on Monday to discuss the point system.

Supervisor Magryta scheduled a special meeting for Monday, September 19 at 7:30pm to work on the point system and preparing a schedule.

CAP

Supervisor Magryta read the CAP checklist that the Board put together at a previous meeting. The list is: 1) Town Clerk insures that all Board members are provided with all necessary publications relating to the elective office, including the Town Law Manual; 2) All incoming elected Board members will refer to Corrective Action Plan dated May 10, 2011 in complying with all noted recommendations; 3) All elected incoming Board members will seek out, and attend, all available courses related to their position, when available; 4) All elected incoming Board members will refer to the CAP recommendation #3 and provide all necessary signatures of these records and have these records placed in their personnel files.

Council Member Livsey made a motion seconded by Council Member Tautel to adopt the Checklist in response to the State.

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

RESOLUTION – JUSTICE COURT

Supervisor Magryta has a request from the Justice Court to be authorized to submit for a grant.

Council Member Edsall made a motion seconded by Council Member Tautel to authorize the Justice Court to submit the grant paperwork.

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

**FEMA DECLARATION/TOWN HALL FLOODING**

FEMA

Supervisor Magryta said that assistance is available and the Town will be submitting the application for help. The Supervisor advised homeowners to contact the Town's Building Department to obtain information on how to get assistance.

Council Member Livsey stressed that any homeowner who sustained damage should submit to FEMA for help. Mr. Livsey also said that he will be holding an FEMA information meeting at the Library on Thursday.

Town Hall

Supervisor Magryta said that the Town Hall had about 18 inches of water in the basement and that any records that were on the floor were soaked. The Supervisor reached out to the Library to ask them for space for our dry records and the wet records will be placed in a POD and what can be saved will be saved.

Supervisor Magryta was approached by the Justice Court about scanning their records and they will be coming to the Board for some help in funding this and if it is successful maybe the Town can look into doing the same.

Supervisor Magryta said that the Town Clerk received a proposal of \$1,616 to begin remediation of the basement.

Council Member Livsey said he is concerned about the records being secure.

Supervisor Magryta said the records will be secured. The Supervisor said that records can no longer be kept in the basement of the Town Hall.

Council Member Tautel said there are grants available for scanning records.

**HIGHWAY DEPT. – TRANSFER REQUEST**

Supervisor Magryta said that at a previous meeting there was a request to move money out of a reserve fund for repairs to a garbage truck. The Supervisor said, that after further review, it was discovered that money is not for repairs, just for new or additional equipment. The Supervisor said that because of this, the request is to now transfer \$7,000 from the Contingency Account to Sanitation Maintenance.

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Council Member Livsey made a motion seconded by Council Member Gokey to transfer \$7,000 from the Contingency Account to the Sanitation Vehicle Maintenance.

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

### OUTSTANDING COMMITTEE REQUESTS

#### Ambulance

Council Member Edsall said that Capt. Bill Stroppel has made a request for the Board to hire Robert Falcone as a part-time EMT to be placed in the pool.

Council Member Tautel made a motion seconded by Council Member Livsey to hire Robert Falcone as a part-time EMT at \$14.05 per hour.

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

#### Dial-A-Bus

Council Member Livsey has a request from Dial-A-Bus Manager Colleen Solan to hire Michael Nanartowich as a part-time Dial-A-Bus driver. Mr. Livsey explained that Mr. Nanartowich is a school bus driver and Ms. Solan would like him to start immediately.

Council Member Livsey made a motion seconded by Council Member Tautel to hire Michael Nanartowich as a part-time Dial-A-Bus driver at a salary of \$13.25 per hour.

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

#### Highway Labor Agreements

Supervisor Magryta said that the negotiations with the Highway Department are in the final stages and a contract should be approved very soon.

#### Water Hook-Ups

Supervisor Magryta has put in a request asking for a change in the way the water hook-ups are handled. The Supervisor said that currently the Town Clerk handles the paperwork and the Town Clerk believes it would be more efficient if it was all handled by the Highway Department.

The Board decided to leave it as is unless more information is obtained from the Town Clerk.

**MISC.**

Supervisor Magryta said that Workplace Violence and Sexual Harassment are required for all municipal employees. The Supervisor said that classes have been scheduled in October.

**PUBLIC COMMENT**

June Gunza said the Emergency Services work great together and she is proud to be a part of it.

Pat Flynn said that he is running for the County Committee, but not with the group that was mentioned in the paper.

Ann Scott asked if the Board would be providing each alternative outline to the public before the next water meeting.

Supervisor Magryta said the Settlement Master determines the format for the information. The Supervisor said that the public has already received more information than is usually made available.

Ms. Scott asked if the Board would consider asking the Settlement Master for this.

Supervisor Magryta said it is something he would consider, but does not want to get into "Analysis Paralysis".

Ms. Scott explained that she would like the Board to decipher the alternatives and present them to the public.

Supervisor Magryta said the Board spoke about that at the public hearing and will continue to talk about it.

Ms. Scott questioned the status of the pay raises and wondered why the three Board members that voted no have now agreed to hire someone and cost the community more.

Pharoby Ripa would like the Board to provide a large map showing the alternative chosen.

Greg Maher asked the Board if they have asked the Settlement Master to have the engineers to start a preliminary look on the West side.

Supervisor Magryta said that the Settlement Master did commit to an escrow and also an understanding that the engineer will review whether there is the water capacity. The numbers will be forthcoming as to what Alternative 6 will require as far as water consumption for the properties. The Supervisor said there is a willingness to review a Stage 2 of this project.

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Joan Cronin asked why the Dial-A-Bus will not be running on Saturday.

Council Member Livsey said he did not know, but would find out.

Council Member Tautel said, in response to Ms. Scott's previous question, that there was a question of the legality of a motion that was made about the salaries for the Board. Ms. Tautel said that in order to avoid a lawsuit, a motion was passed to hire an attorney to render an opinion.

June Gunza asked the Board why any money was being spent on the raise when the public spoke that they did not wish that to happen.

Supervisor Magryta said that there is a question as to whether the motion was legal and the Board agreed that the most expeditious, reasonable cost answer to that is to use an arbitrator.

June Gunza asked the Board if the arbitrator comes back and says that the raises are legal will the Board accept the money.

Supervisor Magryta said the Board has agreed to the efficacy of the action. The Supervisor said that no Board member is receiving the raises.

Theresa Galu asked why the records were such a mess in the basement.

Council Member Tautel responded that each department is given space for the records and are responsible for them.

Charlie Murphy said that Mrs. Brahm might be able to help with options for the records.

Supervisor Magryta said the Court is currently getting information on digitizing their records.

## EXECUTIVE SESSION

Council Member Livsey made a motion seconded by Council Member Edsall to go into executive session to discuss: 1) proposed, pending or current litigation; and 2) matters relating to collective negotiations under the Taylor Law. Board went into executive session at 9:08pm.

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

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Council Member Tautel made a motion seconded by Council Member Edsall to close the executive session. Executive session closed at 9:56pm.

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

**ADJOURN**

Council Member Tautel made a motion seconded by Council Member Edsall to adjourn the meeting. Meeting adjourned at 9:57pm.

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

Attest,

RESOLUTION

OF

SEPTEMBER 12, 2011

RESOLUTION OF SEQR DESIGNATION  
AND DETERMINATION – LOCAL LAW #2 OF 2011  
A LOCAL AMENDING CHAPTER 94 ENTITLED  
“DUMPSTERS AND GARBAGE”  
OF THE CODE OF THE TOWN OF HIGHLANDS:  
DROP BOXES AND STORAGE CONTAINERS

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

WHEREAS, the Town Board of the Town of Highlands adopted a resolution on the 15<sup>th</sup> day of August, 2011 ordering a public hearing to be held on the 12<sup>th</sup> day of September, 2011 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Local Law #2 of the Year 2011 entitled “A Local Law Amending Chapter 94 entitled ‘Dumpsters and Garbage’ of the Code of the Town of Highlands: Drop Boxes and Storage Containers;” and

WHEREAS, the Town Board has caused an Environmental Assessment Form (the “EAF”) to be prepared for the proposed adoption of Local Law #2 (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 #2 of the Year 2011 entitled "A Local Law Amending Chapter 94 entitled 'Dumpsters and Garbage' of the Code of the Town of Highlands: Drop Boxes and Storage Containers," 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 September 12, 2011.

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June Patterson, Town Clerk

RESOLUTION

OF

SEPTEMBER 12, 2011

A RESOLUTION TO ADOPT  
A LOCAL AMENDING CHAPTER 94 ENTITLED  
“DUMPSTERS AND GARBAGE”  
OF THE CODE OF THE TOWN OF HIGHLANDS:  
DROP BOXES AND STORAGE CONTAINERS

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

**WHEREAS**, the Town Board of the Town of Highlands adopted a resolution on the 15<sup>th</sup> day of August, 2011 ordering a public hearing to be held on the 12<sup>th</sup> day of September, 2011, at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #2 of the Year 2011 entitled “A Local Law Amending Chapter 94 entitled ‘Dumpsters and Garbage’ of the Code of the Town of Highlands: Drop Boxes and Storage Containers” and

**WHEREAS**, a notice of Public Hearing was duly advertised on the **26th** day of **August, 2011** in The News of the Highlands and posted on the Town Clerk’s sign board on the **16th** day of **August, 2011**; and

**WHEREAS**, the Public Hearing was duly held on the 12<sup>th</sup> day of September, 2011 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 #2 of the Year 2011 entitled “A Local Law Amending Chapter 94 entitled ‘Dumpsters and Garbage’ of the Code of the Town of Highlands: Drop Boxes and Storage Containers.”

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 September 12, 2011.

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June Patterson, Town Clerk