

## **TOWN BOARD**

The Town Board, Town of Highlands, held a Public Hearing and Meeting on Monday, July 23, 2012 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	James Stradley	----	Council Member
	June Gunza	----	Council Member
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

## **PUBLIC HEARING**

Supervisor Livsey opened the Public Hearing on Local Law #2 of 2012 – a local law to amend and restate Chapter 88 Entitled “Buildings, Unsafe” of the code of the Town of Highlands – at 7:00pm.

There was no public comment.

Council Member Edsall made a motion seconded by Council Member Stradley to close the Public Hearing. Public Hearing closed at 7:05pm.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

## **REGULAR MEETING**

Supervisor Livsey opened the regular meeting at 7:06pm.

Supervisor Livsey asked if the owner of 28 Hemlock St was present. (He was not)

## **PUBLIC COMMENT**

There was no public comment.

## **MINUTES**

Supervisor Livsey asked the Town Clerk to add the executive session and adjourning information to the minutes.

The Town Clerk said she would do that as soon as the information is provided to her.

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Council Member Edsall made a motion seconded by Council Member Gokey to approve the minutes from the July 9 meeting.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**COMMUNICATIONS**

Supervisor Livsey said he would address during his Supervisor's report.

**FINANCIAL REPORTS**

Claims & Payments:

Council Member Gunza made a motion seconded by Council Member Stradley to approve the Accounts Payables in the amount of \$90,343.80.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Budget Transfer – Police:

Council Member Edsall made a motion seconded by Council Member Gunza to approve the budget transfer of \$5,000 from Police Personal Services to Police Vehicle Maintenance.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Budget Transfer – Court:

Council Member Edsall made a motion seconded by Council Member Gokey to approve the budget transfer of \$2,000 from Court Data Entry Clerk to Court Clerk overtime.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Budget Transfer – Community Service Program:

Council Member Gokey made a motion seconded by Council Member Gunza to approve the budget transfer of \$2,025 from Gifts & Donations to Community Service.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Amend Investment Policy:

Council Member Gunza made a motion seconded by Council Member Gokey to amend the Town's Investment Policy to allow the Town to invest in CD's.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**BOARD REPORTS**

Council Member Gokey:

IT: Almost done with the servers. The State Bid expired on June 30 with Microsoft and the Town will either have to pay retail or wait for a new contract. Ms. Gokey recommended that the Town purchase only those that are necessary now and wait on the contract for the others.

Council Member Gokey said she will discuss the Voice Over IP later.

Building: Busy

Council Member Gunza:

Ambulance Corps: Attended training recently. The Ambulance Corps has donated 4 Oxygenators.

Police: The Chief is requesting that the Town send 2 of his officers for training. Ms. Gunza would like the Board to think about replacing a police car because it is beginning to cost a lot to maintain/repair.

Council Member Stradley:

Dial-A-Bus: The contract for the lease of the new bus will be signed tonight. The first trip to Monroe had low attendance.

Highway: The asphalt has been removed from Patriot Gardens. Routing maintenance is being done and the hydrants will be flushed.

Council Member Edsall:

Water: It looks like 2 property owners are looking for more than is being offered and if the problem can't be solved, the Town might have to go for Eminent Domain. There is a water meeting on Thursday at 10am.

Sewer: Would like the Board's input on a Community Service Worker painting the building. Mr. Edsall is concerned with safety.

Zoning/Planning: Working on signage and zoning changes.

**SUPERVISOR'S REPORT**

Supervisor Livsey said Mayor D'Onofrio has asked to speak tonight and he invited the Mayor up to the microphone.

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### Mayor D'Onofrio:

Mayor D'Onofrio thanked Mr. Squicciarini and his men for working so much with the Village DPW. The Mayor stated that the departments also share their equipment. The Mayor also thanked Mr. Squicciarini for the letter asking that a sign be placed on 9W alerting people to the businesses in Highland Falls.

Mayor D'Onofrio announced that he will hold a memorial service, on July 29 at 6pm, for the victims in the Colorado shooting.

Mayor D'Onofrio said he met with the Supervisor about the Master Plan for water and at the next meeting information will be compiled.

Mayor D'Onofrio thanked Capt. Stropfel and his members for all they do.

Mayor D'Onofrio said he is looking at a request from Mr. Squicciarini for the Village to take over some of the water responsibilities.

Mayor D'Onofrio said that, with Chris Dean, retiring from the Highway Department soon, this might be a good opportunity for a discussion on consolidation of the 2 Highway/DPW Departments.

Supervisor Livsey said this is something that he would be willing to discuss.

### Supervisor Livsey:

Supervisor Livsey stated that he heard rumors that the sound is being turned off when certain people speak. The Supervisor assured everyone that was not the case, that there were problems with the microphones that have been addressed.

Supervisor Livsey spoke to the Orange County Department of Health about Drew Road. The Supervisor was told that there are no fines and that they are happy with what the Town is doing.

Supervisor Livsey said that the signs for 9W that will advertise the local businesses will be getting done soon.

Supervisor Livsey received a letter from a Community Service Worker thanking the Town for allowing her to do her service at the Ambulance Corps.

Supervisor Livsey has been informed that the Orange County Association of Towns, Villages and Cities is working on a registry to put all contracts on line.

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Supervisor Livsey said that signs have been ordered for the park about lymes disease and as soon as they are received they will be put up.

Supervisor Livsey said he has put the Air Quality Action to do list on Channel 23.

Supervisor Livsey said he met with the owners of the Fort Montgomery Marina and the developers with no avail.

Council Member Gokey asked if the Board could talk about a tax abatement program.

Supervisor Livsey said he would look into it.

### **ATTORNEY'S COMMENTS**

Mr. Rider reminded the Supervisor that the resolution for Local Law #2 of 2012 still needed to be adopted.

Council Member Gokey made a motion seconded by Council Member Edsall to adopt the Resolution for Local Law #2 of 2012 to Amend and Restate Chapter 88 Entitled "Buildings, Unsafe" of the Code of the Town of Highlands.

**RESOLUTION ADOPTED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

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

### **UNFINISHED BUSINESS**

Supervisor Livsey said the matter of an employee requesting a pro-rated buyout has still not been settled. The Supervisor explained that the Employee Handbook doesn't say if it can or can't be done and it has been done in the past. The Supervisor would like to take care of this and fix the handbook later.

Council Member Stradley would like to discuss this further.

Council Member Stradley made a motion seconded by Council Member Edsall to table this matter and address it at a later date.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**GENERAL BUSINESS**

Water Agreement Amendment:

Supervisor Livsey would like the Board to authorize him to sign the amendment to the Town/Village water agreement. The Supervisor said the Village has not approved it yet, but as soon as they do, he will sign it with the Mayor.

Mr. Rider said this should be done as quickly as possible.

Council Member Gunza made a motion seconded by Council Member Stradley to authorize the Supervisor to sign the amended Water Agreement with the Village.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

Resolution for New Dial-A-Bus:

Council Member Gokey made a motion seconded by Council Member Stradley to authorize the Supervisor to sign the Agreement with the County of Orange for the lease of the new Dial-A-Bus.

**RESOLUTION ADOPTED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

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

“Runoff Agreement” Wright Risk Management:

Council Member Gokey made a motion seconded by Council Member Gunza to authorize the Supervisor to sign the Claims Runoff Management Agreement with Wright Risk Management.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

Workplace Violence Policy (All Depts except Ambulance & Police):

Supervisor Livsey thanked Ms. Blauvelt for taking on the project of preparing these policies.

Council Member Gokey made a motion seconded by Council Member Stradley to approve the Workplace Violence Policy for all departments except Ambulance and Police.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

Workplace Violence Policy – Ambulance:

Council Member Gunza made a motion seconded by Council Member Gokey to approve the Workplace Violence Policy for the Ambulance.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

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Workplace Violence Policy – Police:

The Chief is still working on this and will provide it to the Comptroller soon.

Police Department Promotion:

Chief Quinn is requesting that Officer Peter Russell be promoted to Detective 3<sup>rd</sup> Grade.

Council Member Gokey made a motion seconded by Council Member Gunza to promote Peter Russell to Detective 3<sup>rd</sup> Grade at the salary set forth in the Salary Schedule and at the maximum probation period.

**MOTION CARRIED: 5-eyes (Edsall, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-abstention (Livsey)**

Police Department Training:

Chief Quinn said he would like to send Detective Bailey and Detective Russell to the IMPACT training. The Chief explained that this is the software that the Police Department uses and once these men are trained they can train the other officers.

Council Member Stradley made a motion seconded by Council Member Edsall to authorize Chief Quinn to send the 2 men to the IMPACT training.

**MOTION CARRIED: 5-eyes (Edsall, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-abstention (Livsey)**

28 Hemlock Street:

Supervisor Livsey explained that a notice was sent to the owner of this property advising him to appear before the Town Board tonight. The Supervisor said the owner has not shown up and therefore the Board will proceed with the application to the Supreme Court.

Council Member Edsall made a motion seconded by Council Member Gunza to continue with the application to the Supreme Court.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

Telecom Data:

Mr. Rider said he would like to fine tune the agreement.

Supervisor Livsey asked Council Member Gokey to get back to the lady and get together with Mr. Rider for the next meeting.

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### Police Department Termination:

Supervisor Livsey said the Board is aware that Chief Quinn has recommended this officer be terminated.

Council Member Edsall made a motion seconded by Council Member Gunza to authorize the Supervisor to sign the Letter of Termination.

**MOTION CARRIED: 5-ayes (Edsall, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-abstention (Livsey)**

### PUBLIC COMMENT

Mr. Grant thanked the Board and everyone involved for cleaning up the area by Garrison's Pond.

Howard McArthur asked the Board if they were going to dedicate Weyant Road.

Mr. Rider said that is the desire, but there have numerous hurdles that the Town is working through. Mr. Rider said he hopes to get it finished before the winter.

Supervisor Livsey said that the Town is trying to get things done.

Pat Flynn spoke to the Village Clerk and the Water Agreement is on the agenda for the next Village Board meeting. Mr. Flynn spoke to the Village Board about Memorial Park and they are concerned legalities and would like to sit down with the Town to figure something out.

Pat Flynn announced that every Friday is "Movie Night" at the My Town Marketplace and Tuesday is "Teen Night".

Capt. Stroppel said that the NYS Department of Health has added 40 more hours to the EMT training. Mr. Stroppel said this needs to be done before the end of the year and he will need to be trained before he can train is members. Mr. Stroppel is not sure how much this will cost.

Supervisor Livsey told Capt. Stroppel to come to the Board before he spends any of his money.

Capt. Stroppel said the Fly Car was bought entirely from grant money and was turned over to the Town for insurance reasons. Mr. Stroppel said this vehicle is used as a 1<sup>st</sup> Response vehicle.

## **ADJOURN**

Council Member Edsall made a motion seconded by Council Member Stradley to adjourn the meeting. Meeting adjourned at 8:00pm.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

## RESOLUTION

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

**WHEREAS**, the Town Board of the Town of Highlands has requested that the Town Supervisor sign an agreement with the County of Orange for the lease of one (1) new, 12-passenger (design-capacity), wheelchair lift-equipped bus with related equipment as a replacement for the existing Town Dial-A-Bus; and

**WHEREAS**, the Town Board of the Town of Highlands wishes to take the appropriate action to progress this project with all possible haste to secure funding during Calendar Year 2012 and acquisition during Calendar Year 2012; and

**WHEREAS**, The Town Board of the Town of Highlands recognizes that the funding requirements for the cost of the bus is **ONE AND 00/100 (\$1.00) DOLLAR**.

**WHEREAS**, the Town Board of the Town of Highlands further recognizes that it will be responsible for all operating costs of the new bus above and beyond those funds realized through the fare box and through available State and Federal Operating Assistance.

**NOW, THEREFORE BE IT RESOLVED**, that the Supervisor of the Town of Highlands is hereby authorized to sign the agreement with the County of Orange for the lease of one (1) new, 12-passenger (design-capacity), wheelchair lift-equipped bus with related equipment as a replacement for the existing Town Dial-A-Bus; and be it

**FURTHER RESOLVED**, that the Town of Highlands agrees to pay the County of Orange **ONE AND 00/100 (\$1.00) DOLLAR** to the County of Orange.

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 <b>Aye</b>
James Stradley, Council Member:	Voting <b>Aye</b>
June Gunza, Council Member:	Voting <b>Aye</b>
Holly Gokey, Council Member:	Voting <b>Aye</b>
Mervin R. Livsey, Supervisor:	Voting <b>Aye</b>

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 July 23, 2012.

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June Patterson, Town Clerk

RESOLUTION

OF

JULY 23, 2012

A RESOLUTION TO ADOPT  
A LOCAL LAW AMENDING AND RESTATING  
CHAPTER 88 ENTITLED "BUILDINGS, UNSAFE"  
OF THE CODE OF THE TOWN OF HIGHLANDS

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

**WHEREAS**, the Town Board of the Town of Highlands adopted a resolution on the 9<sup>th</sup> day of July, 2012 ordering a public hearing to be held on the 23<sup>rd</sup> day of July, 2012, at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #2 of the Year 2012 entitled "A Local Law Amending and Restating Chapter 88 entitled 'Buildings, Unsafe' of the Code of the Town of Highlands;" and

**WHEREAS**, a notice of Public Hearing was duly advertised on the 13<sup>th</sup> day of July, 2012 in The News of the Highlands and posted on the Town Clerk's sign board on the 10<sup>th</sup> day of July, 2012; and

**WHEREAS**, the Public Hearing was duly held on the 23<sup>rd</sup> day of July, 2012 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 adoption of said Local Law providing for a restatement of the unsafe building chapter of the code of the Town of Highlands constitutes a legislative action pertaining to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and accordingly is a Type II Action under the State Environmental Quality Review Act; 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 2012 entitled "A Local Law Amending and Restating Chapter 88 entitled 'Buildings, Unsafe' of the Code of the Town of Highlands."

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:

James Stradley, Councilman \_\_\_\_\_ voting Aye

June Gunza, Councilwoman \_\_\_\_\_ voting Aye

Holly Gokey, Councilwoman \_\_\_\_\_ voting Aye

William Edsall, Councilman \_\_\_\_\_ voting Aye

Mervin R. Livsey, Supervisor \_\_\_\_\_ voting Aye

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 July 23, 2012.

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June Patterson, Town Clerk

RESOLUTION

OF

JULY 23, 2012

A RESOLUTION TO AUTHORIZE  
THE TOWN OF HIGHLANDS TO  
ENTER INTO A THIRD AMENDMENT TO  
THE EXISTING WATER SUPPLY AGREEMENT  
DATED NOVEMBER 6, 2003  
BETWEEN THE TOWN OF HIGHLANDS  
FOR AND ON BEHALF OF THE TOWN OF HIGHLANDS  
WATER DISTRICT NO.1 AND THE TOWN OF HIGHLANDS  
WATER DISTRICT NO. 2 AND  
THE VILLAGE OF HIGHLAND FALLS

Council Member **Gunza** moved the following resolution which was seconded by Council Member **Stradley**.

WHEREAS, the Town of Highlands has negotiated a Third Amendment to the terms and conditions of the existing Water Supply Agreement dated November 6, 2003, and amended in June 2006, and August 2009, between the Town of Highlands for and on behalf of the Town of Highlands Water District No. 1 and the Town of Highlands Water District No. 2 and the Village of Highland Falls (hereinafter the "Water Supply Agreement") which will extend the term of the agreement as it pertains to new infrastructure and will clarify the materials of the new infrastructure; and

WHEREAS, the Town Board deems it to be in the public interest for the Town of Highlands to enter into a third amendment to the Water Supply Agreement for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED; that the Supervisor be and he hereby is authorized and directed to execute the Third Amendment to the Water Supply Agreement; and

BE IT FURTHER RESOLVED, that the Supervisor and officers of the Town are hereby authorized and empowered 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 contents of the foregoing resolutions and the terms and conditions of the Third Amendment to the Water Supply Agreement; 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:

James Stradley, Councilman voting **Aye**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William Edsall, Councilman voting **Aye**

Mervin R. Livsey, Supervisor voting **Aye**

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 July 23, 2012.

\_\_\_\_\_  
June Patterson, Town Clerk