

## TOWN BOARD

The Town Board, Town of Highlands, held a Meeting and Budget Workshop on Monday, October 1, 2012 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

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

Supervisor Livsey opened the meeting at 7:00pm.

### PUBLIC COMMENT

None.

### MINUTES

Council Member Edsall made a motion seconded by Council Member Gokey to approve the minutes from the September 24, meeting.

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

### FINANCIAL

#### Budget Transfer:

Council Member Gunza made a motion seconded by Council Member Edsall to approve the transfer of \$13,650 from the Contingent Acct to Communications – Contracted Services.

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

### COMMUNICATIONS

Supervisor Livsey received a letter from Greg Maher asking for permission for the Fort Montgomery Fire Department to use the lot on Firefighter's Memorial Drive for an upcoming event.

Supervisor Livsey and the Board approved this request. The Supervisor also offered the parking lot at his restaurant to the Fire Dept.

**BOARD REPORTS**

Council Member Gokey:

Assessor: Jean Talman has completed all her credits and is now a New York State Certified Assessor.

Supervisor Livsey congratulated Ms. Talman.

IT: There were some issues, but everything seems to be ok now.

Building: Building Dept has been busy. The State has pushed burning permits back to October 10.

Council Member Gunza:

Nothing new to report.

Council Member Stradley:

Reported that he misses Chris Dean already.

Council Member Edsall:

Sewer Plant: Everything is good.

Council Member Edsall said he met with Mr. Rollins, from Taylor Recycling, who is offering the Town a 20 year agreement. Mr. Edsall said the center will not be up and running until 2014 so the Town needs to think about 2013.

Council Member Gokey said she thinks the State has a transfer station and asked if someone could call Jim Hall.

Supervisor Livsey said he could try and reach Mr. Hall.

Council Member Edsall said that, if the Board is interested, they would need to act quickly.

Supervisor Livsey would like to get the budget out of the way and the work on that issue.

**GENERAL BUSINESS**

Resolution for Local Law #5 – Override the Tax Levy Limit:

Supervisor Livsey said this Local Law is being done as a “just in case”.

Council Member Gunza said the goal is to not go over the limit.

**TOWN BOARD**

**OCTOBER 1, 2012**

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the Resolution to introduce and schedule a public hearing on a local law to override the tax levy limit established in General Municipal Law 3-C on October 22, 2012 at 7:00pm.

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

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

Resolution for Local Law #6 – Sign Regulations:

Council Member Edsall said this would relax the code a little.

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution to introduce and schedule a public hearing on a local law amending and restating Article V of Chapter 210 Entitled “Zoning” of the code of the Town of Highlands: Sign Regulations. The public hearing will be held November 5 at 7:10pm at the Town Hall.

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

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

Resolution to Re-Schedule Public Hearing – Local Law #4 – Site Plan Procedures & Standards

Council Member Gunza made a motion seconded by Council Member Gokey to re-schedule the public hearing for Local Law #4 of 2012 – Building Permits: Site Plan Procedure and Standards. The public hearing will be held on November 5 at 7:00pm.

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

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

Hawkins, Delafield & Wood Agreement:

Council Member Gokey made a motion seconded by Council Member Edsall to authorize Supervisor Livsey to sign the agreement with Hawkins, Delafield & Wood.

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

Bond Resolution Amendment:

Mr. Rider said there was an error in the bond resolution from the August 13 meeting. Mr. Rider said the resolution has been corrected and the Board needs to adopt the new one.

## TOWN BOARD

OCTOBER 1, 2012

Council Member Gunza made a motion seconded by Council Member Edsall to adopt the amended resolution.

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

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

### PUBLIC COMMENT

Ed Magryta asked what the Board expected to get stopping traffic on football Saturdays.

Supervisor Livsey said the traffic should be monitored.

Council Member Gunza said it is a public safety issue.

Supervisor Livsey said there are seven (7) home games and the DWI check was at the Fort Montgomery Fire Department which is on the way out of Town. The Supervisor also announced that the Dial-A-Bus now runs on football Saturdays.

Council Member Edsall said that West Point also does a safety check.

Jim Ramus asked the Board if the Planning Boards were consolidated, which fund would the money come out of.

Supervisor Livsey said it would come from the A-Fund.

**\*\*\*\*BUDGET WORKSHOP\*\*\*\***

### Planning Board:

Chairman Eric Smith said his budget reflects about a 5.9% decrease. Mr. Smith said he would like to increase his secretary's salary a little.

The Board reviewed the Planning Board budget with Mr. Smith.

### Court:

Judge Fatsis discussed an increase for the clerks and also finding someone to replace Ms. Molina, who will be leaving. Judge Fatsis discussed court officers and overtime for the clerks with the Board. Judge Fatsis requested two (2) additional part-time clerks for the office.

## **TOWN BOARD**

**OCTOBER 1, 2012**

The Board reviewed the Court budget with the Judges.

### Announcement:

A Hearts of Highlands Dinner Dance will be held on October 20 at Sacred Heart Gym. The following residents will be honored for their Community Service: Jeff Gathers, Snowdrop Smith, William Stroppel, Robert Scott and Mary Jane Pitt.

### Library:

Ms. Blauvelt discussed the budget with the Board and said she would call Mrs. Braham for more specific information.

### Beautification:

Supervisor Livsey recommends cutting this in half and if Vision or the Garden Club has any special projects, that money can come out of Parkland Fees.

### Association Dues:

Ms. Blauvelt said she dropped that to \$1,300.

### Insurance:

Ms. Blauvelt said she has a meeting with Scott Liebert, from CLG, next week and a meeting with 1<sup>st</sup> Niagra's Municipal Insurance Division this Wednesday.

### Assessor:

The Board discussed the part-time Data Collector and reviewed the budget.

Council Member Gokey recommended asking the Assessor to come to an executive session to discuss this matter.

Ms Blauvelt said the Board would need to have another meeting.

Ms. Blauvelt discussed "Positive Cash Flow" and Cash Funds and Balances with the Board.

### Dial-A-Bus:

Ms. Blauvelt said the budget went down a little.

The Board reviewed the budget.

### Receiver of Taxes:

Ms. Blauvelt said the salary and other expenses stayed the same, but the Surety Bond doubled.

## **TOWN BOARD**

**OCTOBER 1, 2012**

The Board discussed the Water & Sewer Billing stipends and reviewed the budget.

### Reserve Funds:

Ms. Blauvelt gave the Board a copy of the balances and requests for the reserve funds.

The Board reviewed the reserve funds and left them the same for the time being.

### Contingent Account:

Ms. Blauvelt and the Board discussed these accounts, including the previous year's usage.

### Fund Balances:

Ms. Blauvelt reviewed the funds and balances with the Board.

### Tax Cap:

Ms. Blauvelt reviewed this with the Board. Ms. Blauvelt said that the budget is almost \$244,000 over the 2% as it stands right now.

### Health Insurance:

Ms. Blauvelt has the numbers for the increase in the employees' contributions to the Health Insurance which she discussed with the Board.

## **NEXT MEETING**

Supervisor Livsey said the next meeting will begin with an executive session at 6:30 and will be budget only at 7:00pm.

## **ADJOURN**

Council Member Edsall made a motion seconded by Council Member Stradley to adjourn the meeting. Meeting adjourned at 10:10pm.

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

Attest,

RESOLUTION  
OF  
OCTOBER 1, 2012

A RESOLUTION TO INTRODUCE AND  
SCHEDULE A PUBLIC HEARING TO RECEIVE  
PUBLIC COMMENTS CONCERNING THE ENACTMENT OF  
A LOCAL LAW AMENDING AND RESTATING ARTICLE V  
OF CHAPTER 210 ENTITLED "ZONING"  
OF THE CODE OF THE TOWN OF HIGHLANDS:  
SIGN REGULATIONS

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

BE IT RESOLVED, that INTRODUCTORY LOCAL LAW NO. 6 OF 2012 entitled "A Local Law Amending and Restating Article V of Chapter 210 entitled 'Zoning' of the Code of the Town of Highlands: Sign Regulations" be and hereby is introduced before the Town Board of the Town of Highlands in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that pursuant to Municipal Home Rule Law Section 20, a public hearing shall be held to receive comments concerning the enactment of said Local Law on November 5, 2012 at 7:10 p.m. at the Town Hall located at 254 Main Street, Highland Falls, New York, and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing specifying the time when and the place where such public hearing will be held by publication and posting in accordance with the Municipal Home Rule Law.

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 Meeting of the Town Board, Town of Highlands on October 1, 2012.

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June Patterson, Town Clerk

RESOLUTION  
OF  
OCTOBER 1, 2012

A RESOLUTION TO INTRODUCE AND  
RE-SCHEDULE A PUBLIC HEARING TO RECEIVE  
PUBLIC COMMENTS CONCERNING THE ENACTMENT OF  
A LOCAL LAW AMENDING SECTION 210-21  
OF CHAPTER 210 ENTITLED "ZONING"  
OF THE CODE OF THE TOWN OF HIGHLANDS:  
BUILDING PERMITS; SITE PLAN PROCEDURE AND STANDARDS

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

BE IT RESOLVED, that INTRODUCTORY LOCAL LAW NO. 4 OF 2012 entitled "A Local Law Amending Section 210-21 of Chapter 210 entitled 'Zoning' of the Code of the Town of Highlands: Building Permits; Site Plan Procedure and Standards" be and hereby is introduced before the Town Board of the Town of Highlands in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that pursuant to Municipal Home Rule Law Section 20, a public hearing shall be held to receive comments concerning the enactment of said Local Law on November 5, 2012 at 7:00 p.m. at the Town Hall located at 254 Main Street, Highland Falls, New York; this is a rescheduling of the Public Hearing which was initially and inadvertently scheduled on Veterans' Day, November 12, 2012; and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing specifying the time when and the place where such public hearing will be held by publication and posting in accordance with the Municipal Home Rule Law.

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 October 1, 2012.

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June Patterson, Town Clerk

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Highlands, in the

County of Orange, New York

October 1, 2012

\* \* \*

A regular meeting of the Town Board of the Town of Highlands, in the County of Orange, New York, was held at the Town Hall, 254 Main Street, Highland Falls, New York on October 1, 2012 at 7:00pm o'clock P.M. (Prevailing Time).

There were present: Hon. Mervin R. Livsey, Supervisor; and

Board Members: William Edsall

James Stradley

June Gunza

Holly Gokey

There were absent:

Also present: June Patterson, Town Clerk

\* \* \*

**Council Member Gunza** offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN OF HIGHLANDS, NEW YORK,  
ADOPTED ON OCTOBER 1, 2012, AMENDING THE BOND  
RESOLUTION HERETOFORE ADOPTED ON AUGUST 13, 2012

Recitals

WHEREAS, the Town Board of the Town of Highlands (herein called "Town Board" and "Town", respectively), in the County of Orange, New York, has heretofore duly established Water District No. 2, in the Town (herein called "District"), pursuant to the Order Establishing the District duly adopted by the Town Board on August 10, 2000, and ordered the maximum amount to be expended for the establishment of the District and the construction of a water system therein to be \$3,700,000; and

WHEREAS, on August 13, 2012, the Town Board (i) ordered that the maximum amount proposed to be expended for the construction of the water system in the District be increased by \$2,389,432, from \$3,700,000 to \$6,089,432; and (ii) authorized the issuance of bonds in the maximum amount of \$1,194,750 to finance its share of such increased maximum amount pursuant to a bond resolution adopted on August 13, 2012, and such bond resolution contained an incorrect reference to the Treasury Regulations of the United States Treasury Department;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HIGHLANDS, IN THE COUNTY OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Town Board) AS FOLLOWS:

**Section (A)** Section 3(b) of the bond resolution of the Town of Highlands duly adopted by the Town Board on August 13, 2012 entitled:

BOND RESOLUTION OF THE TOWN OF HIGHLANDS, NEW YORK, ADOPTED AUGUST 13, 2012, APPROPRIATING \$2,389,432 IN ADDITION TO THE \$3,700,000 HERETOFORE APPROPRIATED FOR THE ESTABLISHMENT OF WATER DISTRICT NO. 2 AND THE CONSTRUCTION OF A WATER

SYSTEM THEREIN, IN SAID TOWN, STATING THE PLAN OF FINANCE INCLUDES THE EXPENDITURE OF \$1,194,682 IN FUNDS TO BE PROVIDED BY A PRIVATE CONTRIBUTOR AND THE ISSUANCE OF \$1,194,750 OF BONDS OF SAID TOWN; AND AUTHORIZING THE ISSUANCE OF SAID \$1,194,750 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION,”

is hereby amended to read as follows:

“(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.”

**Section (B)** The amendment of the bond resolution set forth in Section (A) of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

**Section (C)** This resolution shall take effect immediately.

\* \* \*

The adoption of the foregoing resolution was seconded by **Council Member Edsall** and duly put to a vote on roll call, which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.

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