

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, February 11, 2013, at Town Hall, 254 Main St, Highland Falls, 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

Supervisor Livsey opened the meeting at 7:00pm.

PUBLIC COMMENT

Pharoby Ripa asked the Board why they were going to appoint someone to the Planning Board when they were recently discussing reducing the number of board members.

Supervisor Livsey said that discussion was pertaining to the Zoning Board.

Council Member Edsall said the Board had been discussing consolidating Planning Boards, but that was for the future.

MINUTES

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the minutes from the January 28, 2013 meeting.

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

COMMUNICATIONS

Supervisor Livsey reported that Assemblyman Skoufis has requested permission to hold office hours at the Town Hall, once a month, one (1) hour before a Town Board meeting.

Supervisor Livsey said he has a letter written from Highway Supt. Squicciarini to the Village Board requesting permission to notify the Orange County Department of Health that Kevin Hurst will be in charge of the Town of Highlands Water Department in his absence.

Supervisor Livsey said he received a letter from Michael Kelly asking the Board's permission to use Route 218 on September 29 for the Riverview Run for Parkinson's. The Supervisor said that last year Chief Quinn assisted with traffic control.

FINANCIAL REPORTS & RESOLUTIONS

Resolution:

Mr. Rider said that at the last meeting, the Board made a motion to purchase a police vehicle from the Police Vehicle Reserve Fund. Mr. Rider said a resolution needs to be adopted to ratify this motion.

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution to ratify the expenditure of \$38,000 from the Police Vehicle Reserve Fund.

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

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

Budget Transfers:

Council Member Gunza made a motion seconded by Council Member Gokey to authorize the transfer of \$2,000 from Town Hall Planning and Renovations to Records Management Personnel.

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

Council Member Edsall made a motion seconded by Council Member Stradley to authorize the transfer of \$2,415 from Reimbursed Consulting to Building Department Other.

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

Council Member Stradley made a motion seconded by Council Member Gunza to authorize the transfer of \$1,250 from Sanitation to Deputy Highway Superintendent.

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

Supervisor Livsey has a large list of budget transfers for the Board's approval.

Ms. Blauvelt explained the large transfers into retirement.

Supervisor Livsey read the list of transfers.

TOWN BOARD

FEBRUARY 11, 2013

Council Member Edsall made a motion seconded by Council Member Gokey to authorize the transfers read by Supervisor Livsey.

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

AUD Update:

Supervisor Livsey said Ms. Blauvelt reported that the software for the AUD has been installed and things are coming along. The Supervisor reported that the report is due April 1 and Ms. Blauvelt does not expect to need an extension.

BOARD & DEPARTMENT HEAD REPORTS

Council Member Gokey:

Council Member Gokey said that in 2011 a grant was applied for to purchase recycling cans. Ms. Gokey called to check on the status and learned that the Town is still on the list to receive the grant, but it could be a couple of years before it happens.

Council Member Gokey said she found the information on the Sanitation District and she will provide copies to the Board. Ms. Gokey believes the next step would be to get permission from the Village to be in the Village.

Mr. Rider said the Town does not need the Village's permission to form the District, but does need permission to include the Village.

Mr. Squicciarini said a point system would be equitable to everyone.

Council Member Gokey said she spoke to Ms. Talman and she is going to work with Mr. Rider in reference to the company and transient housing on West Point.

Mr. Rider said the initial request was based on property tax.

Council Member Gunza:

Council Member Gunza reported that the Ambulance Corps has been busy.

Council Member Gunza said the Police Department has been busy and the Chief has completed the survey on the Justice Court and staffing.

TOWN BOARD

FEBRUARY 11, 2013

Chief Quinn said he surveyed surrounding towns to see how they handled staffing courts. The Chief found out that the municipalities have 2-9 Court Attendants and that no other court staffs with Police Officers, but their Attendants were mostly retired Officers. The Chief would like the Town to contact Orange County and create additional positions and for these positions to be armed with full carry permits. Chief Quinn said the Town Police will conduct training for these individuals.

Supervisor Livsey said he will ask Ms. Blauvelt to contact the County and asked Mr. Rider to prepare a resolution to authorize them to carry weapons.

Mr. Rider said the County positions do not allow for carrying weapons. Mr. Rider is concerned with the liability to the Town. Mr. Rider said that if the insurance company is okay with the Attendants carrying weapons, the Town should make sure that is in writing.

Supervisor Livsey said Assemblyman Skoufis has drafted a Bill with Senator Larkin.

Council Member Gunza said she believes that the Town's insurance covers this under the police section of the policy, but at an additional cost.

Mr. Rider advised the Town to be sure everything is clear with the insurance company.

Council Member Gunza said the positions should be created, the insurance company contacted to get something in writing and then advertise.

Chief Quinn informed the Board that the Army Corps of Engineers will be holding a table top exercise on a dam failure at the Lower Cragston Dam on February 21 from 9am-12pm at the West Point Jewish Chapel.

Council Member Gunza thanked Tierney Scott for creating a Facebook page for the Emergency Management Committee.

Council Member Gunza advised everyone that if they call 911 from their cell phone they need to identify the County they are in.

Council Member Stradley:

Council Member Stradley said the Highway Department did a great job during the recent snow storm.

Council Member Stradley said he is planning to talk to West Point to possibly having some of their children join the Town's sports programs.

Council Member Edsall:

Council Member said he thought the Board was in favor of consolidating Planning Boards and he suggested doing a motion in support of this.

Council Member Edsall made a motion seconded by Council Member Gokey stating that the Town Board is in favor of consolidating the Village and Town Planning Board's with an agreement similar to the Consolidated Zoning Board's.

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

Council Member Edsall said that the Sewer Plant did okay during the storm.

Council Member Edsall said the ball is in Scenic Hudson's court with the agreement for the marina. Mr. Edsall also said that Scenic Hudson has received quotes for under \$10,000 to take down the buildings on the site.

Highway Supt. Squicciarini:

Mr. Squicciarini reported that his crew did a great job during the blizzard and he thanked the Board for hiring Chris Dean, who was a big help. Mr. Squicciarini asked the Board to modify their resolution to allow him to make the decision if Mr. Dean is needed or not.

Council Member Gunza said the resolution already says that.

Mr. Squicciarini said that recycling is not about saving money, it is about the environment. Mr. Squicciarini said that if the Town didn't recycle, they would save approximately \$70,000 per year.

Council Member Edsall said the Town needs a recycling program and he would like to sit down with Mr. Squicciarini to discuss this.

SUPERVISOR'S REPORT

Supervisor Livsey said that all departments were ready for the two (2) storms that happened. The Supervisor said that he rode in a plow truck for an hour and was amazed at the skill of the driver. The Supervisor said that if anyone saw a Town truck in the Village it was because a Village truck broke down and the Town was assisting them.

UNFINISHED BUSINESS

Planning Board:

Supervisor Livsey reported that he hadn't heard from Chris Dyroff about being reappointed to the Planning Board.

Council Member Edsall said he would try and contact him.

Zoning Board:

Supervisor Livsey said the Town was going to leave that Board as it is.

Employee Association Contract:

Supervisor Livsey said he held a meeting with the Employee Association on January 16 and they have come to an agreement. The Supervisor said that if the Board agrees, he will get back to them.

Supervisor Livsey made a motion seconded by Council Member Gokey stating that the Town Board approves the negotiations with the Town of Highlands Employee Association.

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

GENERAL BUSINESS

Dog Control Law:

Randy Bailey has asked the Board to adopt a resolution to change the wording in the Town Code.

Mr. Rider stated that the existing code allows certain changes by resolution.

Council Member Gunza made a motion seconded by Council Member Gokey to adopt the resolution authorizing municipal fees for dog control pursuant to Agriculture and Markets Law.

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

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

Supervisor Livsey reported that, since the Dog Control Department has been amended, dog license sales have gone up considerably. The Supervisor said that in 2012 there were 96 dog licenses sold and in the first six (6) weeks of 2013 there have been 43 dog licenses sold. The Supervisor also stated that dog cases that have gone to court are beginning to climb.

TOWN BOARD

FEBRUARY 11, 2013

Detective Bailey reported that there were 21 dog calls in January, they now have uniforms and brochures have been made up to hand out.

Bid Opening:

Supervisor Livsey said the Town had a bid opening on February 7 for the Town Hall parking lot improvements and standby power systems at Town Hall and Fort Montgomery Sewer Plant. The Supervisor reported that the totals were very high which was disappointing. The Supervisor said he gave the low bidders to Ms. Blauvelt and asked her to contact FEMA to see if they would pay for it.

Supervisor Livsey said the Sewer Plant has the money to pay for their generator and the Town needs to decide if they want to spend it or not.

Dive Team Equipment:

Supervisor Livsey would like to transfer the Dive Team equipment to the Fort Montgomery Fire District.

Council Member Edsall made a motion seconded by Council Member Stradley to transfer the Dive Team equipment and the remaining Quad to the Fort Montgomery Fire District.

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

Supervisor Livsey will call them to pick it up.

PUBLIC COMMENT

James Ramus provided the Board with a resolution in reference to the 2nd Amendment and asked that they adopt it.

Supervisor Livsey said he would put it on the agenda for the next meeting.

Mervin Livsey, Jr. said he believes in the 2nd Amendment, but believes there should be tougher background checks and more training.

Council Member Gokey said that when discussions take place no one is wrong; there is just a difference of opinions.

TOWN BOARD

FEBRUARY 11, 2013

EXECUTIVE SESSION

Supervisor Livsey made a motion seconded by Council Member Stradley to go into executive session to discuss personnel issues in the Highway and Building Departments. Board went into executive session at 8:30pm.

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

Council Member Gunza made a motion seconded by Council Member Edsall to close the executive session. Executive session closed at 9:48pm.

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

ADJOURN

Supervisor Livsey made a motion seconded by Council Member Stradley to adjourn the meeting. Meeting adjourned at 9:50pm.

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

Attest,

RESOLUTION
OF
FEBRUARY 11, 2013

A RESOLUTION TO RATIFY
EXPENDITURE FROM
THE POLICE VEHICLE RESERVE FUND

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

WHEREAS, the Town Board of the Town of Highlands pursuant to Section 6-c of the General Municipal Law of New York State heretofore established a capital reserve fund for the purpose of purchasing police vehicles known as the Police Vehicle Reserve Fund; and

WHEREAS, the Town Board by motion at the January 28, Town Board Meeting of the Town of Highlands authorized the expenditure of up to Thirty Eight Thousand and 00/100 Dollars (\$38,000.00) from said capital reserve fund to purchase a new Ford Interceptor for the police department.

NOW, THEREFORE, BE IT RESOLVED, an expenditure not to exceed the sum of Thirty Eight Thousand and 00/100 Dollars (\$38,000.00) is hereby ratified and authorized from the Police Vehicle Reserve Fund for a new Ford Interceptor for the Town Police Department.

BE IT FURTHER RESOLVED, that the foregoing resolution 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 February 11, 2013.

June Patterson, Town Clerk

RESOLUTION

OF

FEBRUARY 11, 2013

A RESOLUTION AUTHORIZING
MUNICIPAL FEES FOR
DOG CONTROL PURSUANT TO
AGRICULTURE AND MARKETS LAW

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

WHEREAS, Chapter 72, entitled "Animals" of the Town Code of the Town of Highlands, permits the Town Board to set fines and fees related to its Dog Control ordinance; and

WHEREAS, the Town Board believes it is in best interest of the Town to establish a new fee structure for 2013; and

WHEREAS, the adoption of the fee schedule constitutes 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.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Highlands hereby authorizes the following fees, fines and penalties related to Dog Control which schedule shall be included on the schedule of fees of the Town at Chapter 109 of the Code of the Town of Highlands:

Impoundment:

(1) For the first impoundment: a fee of \$25.00 for the first 24 hours thereof a \$10.00 fee for each additional 24 hour or part thereof, any dog owned by the person;

(2) For the second impoundment: a fee of \$75.00 for the first 24 hours thereof a \$25.00 fee for each additional 24 hour or part thereof for the second impoundment, any dog owned by the person; or

(3) For the third and each subsequent impoundment: a fee of \$100.00 for the first 24 hours thereof a \$25.00 fee for each additional 24 hour or part thereof for the third impoundment and subsequent impoundments, any dog owned by the person; and

(4) For all offenses thereafter, the first day offense would increase by twenty five dollars each time.

Penalties:

(1) Where prosecuted pursuant to the Town law by a fine of not less than \$25.00 not more than \$150.00 or imprisonment for not more than 15 days, or both, except that where the person was found to have violated this section or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may be not less than \$75.00 and not more than \$250.00 or imprisonment for not more than 15 days, or both, and where the person was found to have committed two or more such violations within the preceding five years, the violation shall be punishable by a fine of not less than \$100 or imprisonment for not more than 15 days, or both; or

(2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than \$25.00 not more than \$150.00, except that where the person was found to have violated this section or former Article 7 of the Agriculture and Markets Law within the preceding five years, the civil penalty may not be less than \$75.00 and not more than 250.00, and where the person was found to have committed two or more such violations within the preceding five years, the violation shall be punishable by a fine of not less than \$100.

BE IT FURTHER RESOLVED, that the foregoing resolution 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 February 11, 2013.

June Patterson, Town Clerk