

TOWN BOARD

The Town Board, Town of Highlands, held a meeting and budget workshop on Monday, August 26, 2013 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
	Lesley Peterson	----	Deputy Town Clerk

Supervisor Livsey opened the meeting at 7:00pm.

PUBLIC COMMENT

There was no public comment.

MINUTES

Council Member Gunza made a motion seconded by Council Member Gokey to approve the minutes from the August 12, 2013 Town Board meeting.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gunza, Gokey)
0-nays
1-abstain (Stradley)

COMMUNICATIONS

Supervisor Livsey announced that there was going to be a seminar on September 24, in Middletown, on Alliance Balance Growth.

Mr. Rider said they are modifying the environmental assessment forms.

Supervisor Livsey received a renewal for the Association of Towns dues in the amount of \$1,098.

Supervisor Livsey said the Orange County Water Authority has a couple of grants one being for leak detection at no cost and the other would be for water supply studies which would be for 50% of cost study of the water supply systems and resources to ensure safe and reliable drinking water.

TOWN BOARD

AUGUST 26, 2013

Supervisor Livsey said that everyone will need to renew their STAR application before December 31. The Supervisor said the Town Clerk has the information.

Supervisor Livsey said that Assemblyman James Skoufis will be at Rite Aid on August 27 from 11am to 1pm for a "Meet & Greet".

Supervisor Livsey was informed by Assessor Talman that 77% of the Town is owned by the government.

Supervisor Livsey announced that Homeland Security Services will hold a Critical Infrastructure Seminar, conference call, on August 28.

FINANCIAL REPORTS, REQUESTS & RESOLUTIONS

Budget Transfers:

Council Member Gokey made a motion seconded by Council Member Stradley to transfer \$700 from Recreation Secretary to Personal Services.

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

Council Member Edsall made a motion seconded by Council Member Gunza to transfer \$11,295 from the Contingent Acct to Town Hall Repair Reserve Fund for the new phone system.

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

Accounts Payable:

Supervisor Livsey said the Water District #2 payments were \$1,050 and the Accounts Payable payments were \$80,867.88.

BOARD REPORTS

Council Member Edsall:

Council Member Edsall reported that he had the Tax ID number for the Marina Park Project. Mr. Edsall said that Steve Blauvelt has been doing a lot of work down there. Mr. Edsall said that ITC is allowing the Town to use their compost and machinery at no cost.

TOWN BOARD

AUGUST 26, 2013

Supervisor Livsey said the stream side is cleared and the State will be planting trees. The Supervisor said help is needed for this. The Supervisor said there is a website and donations are gladly accepted. Supervisor Livsey said, if anyone wants to join the group, there is a \$20 charge, and you can contact Patrick or Steve for information. The Supervisor said they also applied for a \$90,000 grant.

Council Member Stradley:

Council Member Stradley reported that the grass cutting is going well.

Council Member Stradley spoke to Ms. Solan about the Dial-A-Bus budget.

Council Member Stradley said the Recreation programs are wrapped up for the season.

Council Member Stradley said the old Dial-A-Bus has been sold and needs to get moved.

Council Member Gunza:

Council Member Gunza said that the Police Department has handled some issues recently and done a good job.

Detective Pete Russell reported that an individual, who robbed a bank in Bethlehem, NY was tracked to the Town of Highlands where he has family. All leads are being followed and if anyone has any issues they are asked to call the Police Station at 446-1142 or the State Troopers at 344-5300.

Council Member Gokey:

Council Member Gokey said things have been quiet since last week.

Council Member Gokey said she just signed an invoice from IT for \$348 which is about where it should be, now that the viruses are cleared up.

SUPERVISOR'S REPORT

Supervisor Livsey reported that he received a letter from Col Rideout that Mine Road will be closed, but emergency services vehicles will have access in an emergency situation. The Supervisor asked Council Member Gunza to follow up and make sure the emergency services have keys to the gate. Supervisor Livsey will get together with Mr. Squicciarini to get the history of the road.

TOWN BOARD

AUGUST 26, 2013

Supervisor Livsey received an email from Village Clerk Regina Taylor stating that the Village Board voting, unanimously, to reduce the ZBA membership from 7 to 5. The Supervisor asked Mr. Rider to prepare the amendment.

Mr. Rider stated that it would be more than an amendment because it started as a Local Law.

Supervisor Livsey was informed that the Mine Dock Park will be part of the Trees for Triv which means that trees and shrubs will provided to the Town at no cost.

Supervisor Livsey announced that if anyone does not have a digital tv, they can contact Time Warner Cable and they will send them a converter box at no charge.

GENERAL BUSINESS

Ambulance Building Renovations:

Supervisor Livsey said the Ambulance Corps is looking to do some renovations to their building. The Supervisor said the only cost to the Town would be for electric and lighting.

Council Member Edsall asked if the Building Department was okay with this.

Council Member Gunza said she heard, from the Building Department, that it was okay.

Council Member Gokey made a motion seconded by Council Member Gunza to authorize the Ambulance Corps to do the renovations to their building.

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

Resolution – Re-schedule Public Hearing (Expenditure from Town Hall Reserve):

Council Member Gunza made a motion seconded by Council Member Stradley to adopt the resolution to reschedule the public hearing for the proposed spending from the Town Hall Repair Reserve fund (20,000) on September 9 at 7pm.

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

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

Schedule Public Hearing – Bed & Breakfast in Business District:

Council Member Gokey made a motion seconded by Council Member Stradley to schedule a public hearing on September 23 at 7pm for a proposed change in Zoning regulations allowing “Bed & Breakfast” in business district.

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

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

Fifth Amendment to Water Supply Agreement:

Supervisor Livsey said he received a letter from Patrick Cahill about getting water to the Fort Montgomery School. The Supervisor said the Town and Village are both working to get water to the school. The Supervisor further stated that he understands that the Village is doing what needs to be done to protect the Village water system, but he believes that water will be made available to those who need it.

Mr. Rider said the Fifth Amendment includes more gallonage, the possibility of needing a chlorination system, possible upgrades to the meter pit and maybe a study of some of the damn infrastructure at Bog Meadow.

Supervisor Livsey asked if the Board had any questions.

Council Member Edsall asked if the Chlorination issue was just for Water District #2.

Supervisor Livsey said the Town will not put in a chlorinator if the engineer thinks it is not needed.

Supervisor Livsey said he will pass the resolution to the Village and then he and the Mayor will sign the Amendment.

Council Member Edsall made a motion seconded by Council Member Gokey to adopt the resolution for the Town of Highlands to enter into a Fifth Amendment to the existing Water Supply Agreement between the Town of Highlands and Village of Highland Falls.

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

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

Water District #2 Increase Maximum Expenditure – Phase II:

Supervisor Livsey has a resolution to authorize a contract between the Samuel G. Fredman Water Trust and the Town of Highlands to increase the maximum expenditure for Phase II.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution to authorize a contract between the Samuel G. Fredman Water Trust and the Town of Highlands Water District #2 in connection with the Water District increase maximum expenditure: Phase II.

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

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

SEQR – Local Law Bed & Breakfast:

Mr. Rider said the Board needs to make a motion for the SEQR for the Local Law for the Bed & Breakfast.

Council Member Gokey made a motion seconded by Council Member Gunza to accept the SEQR for the amendment to the Zoning Code.

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

ZBA:

Council Member Gunza said it is a big plus that the membership has been reduced to 5 members.

Supervisor Livsey said that the Mayor asked for the Village to be allowed to have input when the Town is appointing a new member. The Supervisor asked if that could be put in the agreement.

MR. Rider said there is already an amendment being made and that could be added.

PUBLIC COMMENT

Ray Devereaux said they are doing an incredible job at Mine Dock Park. Mr. Devereaux is concerned the Town's liability. Mr. Devereaux said the signs at the Park are not clear. Mr. Devereaux also complained about the signs in the Town, specifically the Car Wash, and expressed his disappointment with ZBA going to 5 members.

Council Member Gokey said she believes they received a violation for their signs.

TOWN BOARD

AUGUST 26, 2013

Supervisor Livsey said that the Village asked the Town to consider creating a Special Sewer District.

Mr. Rider said it is infrequent that a district is formed because of the cost factor.

Supervisor Livsey said he believes they are an outside user and they are not collecting sewer fees and cannot put it on the tax roll.

Mr. Rider explained that an outside user has an agreement with the Village. Mr. Rider said he will see what type of agreement there is.

Capt. Stroppel reported that the Ambulance Corps has been busy. Mr. Stroppel commended the Town Police for how they handled a recent situation. Mr. Stroppel said the lifeguards at the Roe Park pool handled a medical emergency properly and he is glad to see the classes paid off.

Capt. Stroppel said the Community Service program is going well and a lot is being done. Mr. Stroppel asked for help with the grass cutting from the Highway Department.

Supervisor Livsey said he would like to see a traffic light put at the Bear Mountain Circle before someone gets killed.

EXECUTIVE SESSION

Council Member Stradley made a motion seconded by Council Member Gunza to go into executive session to discuss the Police Contract and an employee's request for payment. Board went into executive session at 8:05pm.

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

Council Member Stradley made a motion seconded by Council Member Gokey to close the executive session. Executive session closed at 8:50pm.

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

Peregrine Realty:

Council Member Gokey made a motion seconded by Council Member Gunza to approve the Tax Certiorari Settlement for Peregrine Realty.

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

BUDGET

Supervisor Livsey opened the budget workshop at 8:51pm.

Supervisor Livsey said he sent out a memo asking the Department Heads to reduce their budgets and most have complied. The Supervisor said he will not allow the budget to go up more than 1.65%.

Library:

The Board discussed the Library's budget and determined that it needs to be reduced.

Court:

The Board reviewed the Court budget.

Supervisor Livsey said he recommends taking the overtime out of the budget. The Supervisor said what they have spent is outrageous.

Council Member Gokey said there was an issue with vacation and comp time.

Supervisor Livsey also said that the new Clerk needs to go since she is only doing five (5) tickets a day.

Ambulance:

Ms. Blauvelt said the Ambulance Corps budget is about the same as last year. Ms. Blauvelt said that Capt. Stoppel did increase the hours.

Ms. Blauvelt said that Capt. Stoppel increased the amount in the Reserve fund because the ambulance is 13 years old and a new ambulance will cost approximately \$140-150,000.

Historian:

The Historian agreed to cut her budget by 5%.

Emergency Management:

The Coordinator has cut this budget by \$500.

Comptroller:

Ms. Blauvelt said her budget has gone down a little and the salaries haven't changed.

TOWN BOARD

AUGUST 26, 2013

ADJOURN

Council Member Gokey made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 9:50pm. (Council Member Stradley left at 9:40pm.)

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

0-nays

1-absent (Stradley)

RESOLUTION
OF
AUGUST 26, 2013

A RESOLUTION TO INTRODUCE AND
RE-SCHEDULE A PUBLIC HEARING TO RECEIVE
PUBLIC COMMENTS CONCERNING A
PROPOSED EXPENDITURE FROM THE
TOWN HALL REPAIR
RESERVE FUND:
TOWN HALL ENGINEERING ASSESSMENT
AND RETAINING WALL

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

BE IT RESOLVED, that a public hearing shall be held to receive comments concerning the expenditure of funds from the Town Hall Repair Reserve Fund to wit: (j) the sum of up to Twenty Thousand (\$20,000.00) Dollars related to an engineering assessment of Town Hall and additional costs associated with the poured concrete retaining wall in support of the building and bridge to the rear of Town Hall; and

BE IT FURTHER RESOLVED that a public hearing shall be held on September 9, 2013 at 7:00 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 and General Municipal 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 August 26, 2013.

June Patterson, Town Clerk

RESOLUTION
OF
AUGUST 26, 2013

A RESOLUTION TO INTRODUCE AND
SCHEDULE A PUBLIC HEARING TO RECEIVE
PUBLIC COMMENTS CONCERNING THE ENACTMENT OF
A LOCAL LAW AMENDING SECTION 210-10D(18)
OF CHAPTER 210 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF HIGHLANDS:
BED AND BREAKFASTS

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

BE IT RESOLVED, that INTRODUCTORY LOCAL LAW NO. 3 OF 2013 entitled "A Local Law Amending Section 210-10D(18) of Chapter 210 entitled 'Zoning' of the Code of the Town of Highlands: Bed and Breakfasts" 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 September 23, 2013 at 7:00 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 a meeting of the Town Board, Town of Highlands, on August 26, 2013.

June Patterson, Town Clerk

RESOLUTION

OF

AUGUST 26, 2013

A RESOLUTION TO AUTHORIZE
THE TOWN OF HIGHLANDS TO
ENTER INTO A FIFTH 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 **Edsall** moved the following resolution which was seconded by Council Member **Gokey**.

WHEREAS, the Town of Highlands has negotiated a Fifth Amendment to the terms and conditions of the existing Water Supply Agreement dated November 6, 2003, and amended in June 2006, August 2009, July 2012 and July 2013 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 allow for the sale of more water from the Village to the Town; and

WHEREAS, the Town Board deems it to be in the public interest for the Town of Highlands to enter into a fifth 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 Fifth Amendment to the Water Supply Agreement substantially in the form presented to the Board; 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 Fourth 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 August 26, 2013.

June Patterson, Town Clerk