

## TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, November 18, 2013 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

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

ABSENT:     William Edsall        ----     Council Member

Supervisor Livsey opened the meeting at 7:00pm.

Supervisor Livsey welcomed Adrienne Voltaire, Council Member Elect, to the meeting.

### **Town Budget 2014:**

Council Member Gunza said everyone worked very hard on the budget.

Supervisor Livsey received an email from Council Member Edsall stating that he was in favor of approving the 2014 Budget with the 2% raise.

Council Member Gunza made a motion seconded by Council Member Stradley to approve the 2014 budget.

**MOTION CARRIED:   4-eyes (Livsey, Stradley, Gunza, Gokey)**  
                          **0-nays**  
                          **1-absent (Edsall)**

Supervisor Livsey thanked Ms. Blauvelt for all her hard work and also the Department Heads for their effort with the budget.

### **Resolution – Adoption Special Districts:**

Supervisor Livsey said a public hearing was held and comments were heard. The Supervisor stated that any resident whose points went up were notified by mail and the Board removed the 10% fee in Water District #1 and #2 so those residents will only be charged their points.

Supervisor Livsey said a lot of work was put into this and everyone did a good job.

**TOWN BOARD**

**NOVEMBER 18, 2013**

Council Member Gokey made a motion seconded by Council Member Stradley to adopt the resolution for the Special District Assessments, Rolls and Benefit Formulas for the Year 2014.

**RESOLUTION ADOPTED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

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

**PUBLIC COMMENT**

Pharoby Ripa said that with Mr. Squicciarini leaving, it would be a good time to have a serious talk with the Village about consolidation.

Supervisor Livsey said he agreed in part, but stated that a Highway Superintendent will be needed even if there was a consolidation. The Supervisor said he hopes the Village will prepare a proposal informing the Town what we can do for them and what they can do for us. The Supervisor said he is trying to get someone from Albany to come help with this.

Ms. Ripa said she is very happy with the DPW Supervisor in the Village.

Mr. Grant asked who checks properties in the Town.

Supervisor Livsey said the Building Department.

**MISCELLANEOUS**

**Mr. & Mrs. Cable:**

Supervisor Livsey said Mr. & Mrs. Cable asked to talk to the Board about a drainage problem by their property.

Mr. & Mrs. Cable explained the problem and provided pictures to the Board. The Cable's asked the Board for help in fixing this problem.

Supervisor Livsey said he would look into it.

Supervisor Livsey asked Council Member Stradley to take a look at this.

**COMMUNICATIONS**

Supervisor Livsey said the local businessmen are complaining about paying the \$40 inspection when they already pay taxes. The Supervisor said the Board would discuss this at a later date.

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Supervisor Livsey received a resignation letter from Mr. Squicciarini which will not be read or accepted tonight. The Supervisor said there are things that need to be discussed.

Supervisor Livsey received a letter from Homeland Security about a check for \$3,973 that the Town has received from FEMA for damages from Hurricane Sandy. The Supervisor said there is still more money to come.

### MINUTES

Council Member Gunza made a motion seconded by Council Member Gokey to approve the minutes from the October 28, 2013 Town Board meeting.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

Council Member Gokey made a motion seconded by Council Member Gunza to approve the minutes from the November 4, 2013 Town Board meeting.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

### FINANCIAL REPORTS

#### Accounts Payable:

Supervisor Livsey said the Accounts payable amount was \$303,320.26 and the Water District #2 payments were \$128,720.38.

#### Budget Transfers:

Supervisor Livsey said he will be sending the Department Heads a memo telling them to get everything submitted by the end of the year. The Supervisor stated that he refused to pay some bills this year that were from 2012.

Council Member Gokey made a motion seconded by Council Member Stradley to approve the transfer of \$500 from Court Communications to Court Postage.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

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Council Member Gunza made a motion seconded by Council Member Gokey to approve the transfer of \$1,400 from Sanitation Landfill to Highway Clerk.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

Council Member Gokey made a motion seconded by Council Member Stradley to approve the transfer of \$1,000 from Custodian Salary to Town Hall Other Exp.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

Council Member Stradley made a motion seconded by Council Member Gunza to approve the transfer of \$2,150 from Custodian Salary to Town Hall Utilities.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

Council Member Gokey made a motion seconded by Council Member Stradley to approve the transfer of \$1,000 from Ambulance Training to Ambulance Fuel.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

Council Member Gokey made a motion seconded by Council Member Gunza to approve the transfer of \$3,000 from Ambulance Training to Mobile Life Intercept.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

Council Member Gunza made a motion seconded by Council Member Stradley to approve the transfer of \$25 from Dog Control Other Exp to Dog Control Uniforms.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

### **Employee Benefit Accrued Liability Reserve Fund:**

Ms. Blauvelt explained when someone retires the Town is responsible for paying them for their unused vacation time. Ms. Blauvelt said this reserve fund would cover that cost. Ms. Blauvelt said the money would be transferred from the General Reserve Fund and the Board could create the fund now and decide how much to put in it later.

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Supervisor Livsey asked about restrictions.

Mr. Rider said it could only be used for this purpose but would not be subject to a public hearing or permissive referendum.

Council Member Gunza made a motion seconded by Council Member Gokey to establish an Employee Benefit Accrued Liability Reserve Fund in accordance with General Municipal Law Section 6-P.

**RESOLUTION ADOPTED: 4-eyes (Livsey, Stradley, Gunza, Gokey)  
0-nays  
1-absent (Edsall)**

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

## **BOARD REPORTS**

### **Council Member Gokey:**

Council Member Gokey reported that everything has been quiet.

Council Member Gokey stated that she received a report from John Hager, but it was not what she wanted. Ms. Gokey said this report had everything in it, not just violations and she would be asking Mr. Hager to prepare another report.

Supervisor Livsey said he spoke to Mr. Hager about a couple of issues.

Council Member Gokey said there is an issue in Fort Montgomery where a tree from the MRS property is leaning over a house. Ms. Gokey said they have been notified and given violations, but have not remedied the situation. Ms. Gokey asked if the Town could use some of their performance bond to deal with this.

Mr. Rider said they have had a few issues in the past and it would be appropriate to increase the pressure on them to get it fixed.

Council Member Gokey said she would like Mr. Rider to prepare a letter to send to MRS.

Mr. Rider said he would do that.

### **Council Member Gunza:**

Council Member Gunza reported that the Ambulance, Police and Fire Departments have been busy and are doing a good job.

**Chief Quinn:**

Chief Quinn thanked Ms. Blauvelt for her help with the budget.

**Council Member Stradley:**

Council Member Stradley had nothing to report.

**SUPERVISOR'S REPORT**

Supervisor Livsey had nothing to report.

**ATTORNEY'S COMMENTS**

Mr. Rider said a settlement has been reached in the matter of the Tax Certiorari for Mr. Koutsourades. Mr. Rider said he prepared a resolution if the Board wants to act on this tonight.

Supervisor Livsey asked if Mr. Rider and the Assessor agreed on the settlement.

Mr. Rider said both he and the Assessor are recommending the settlement.

**GENERAL BUSINESS**

**E-Z Pass Retail Program:**

Supervisor Livsey said the Town Clerk has signed up to sell E-Z Pass from her office and there is a contract that needs to be signed.

Ms. Blauvelt said she has been trying to get a credit card machine for the Town. Ms. Blauvelt explained that Ms. Patterson was told that Value Payments is used by a couple of Town Clerk's in the area.

Ms. Blauvelt and Ms. Patterson gave a little information about how Value Payments works and will provide more information to the Board when it is received.

Supervisor Livsey said the Board would need more information before this is acted on.

**Website:**

Ms. Blauvelt said she has received two (2) proposals to update the Town's website.

**Sewer Treatment Plant:**

Supervisor Livsey informed the Board that the Sewer Treatment Plant has passed the annual inspection.

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### Highway Supt. Interviews:

Supervisor Livsey said three (3) applications have been received for the Highway Supt. Position and the Board needs to set up interviews. The Supervisor asked if the Board was available on Saturday morning.

Council Member Stradley said he was not available.

Supervisor Livsey said the Board will hold a special meeting at 9:00am on Saturday morning and the interviews will begin at 9:30am and last 15 minutes each. The Supervisor asked Ms. Patterson to call the applicants and set up the appointments.

### MOU Greenway Conservancy/Town of Highlands Grant:

Supervisor Livsey has a Memo of Understanding between the Hudson River Valley, Inc and the Town of Highlands. The Supervisor said the Town will be receiving \$8,700 for a matching grant for the Scenic Hudson Mine Dock Park.

Council Member Gunza made motion seconded by Council Member Stradley to authorize Supervisor Livsey to sign the MOU after review by the Attorney.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

### Brooks Park Grant:

Ms. Blauvelt reported that the Town received a check for the Brooks Park Grant.

### Highway Supt.:

Supervisor Livsey confirmed that each Board member had a copy of the applications and said that the salary needs to be decided before the interviews.

Supervisor Livsey asked Ms. Voltaire to come on Saturday to observe.

### PUBLIC COMMENT

Mr. Grant congratulated everyone who won in the election.

### ADJOURN

Council Member Gokey made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 7:55pm.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)**  
**0-nays**  
**1-absent (Edsall)**

RESOLUTION  
OF  
NOVEMBER 18, 2013

A RESOLUTION OF FINAL ADOPTION  
OF SPECIAL DISTRICT  
ASSESSMENTS, ROLLS AND BENEFIT  
FORMULAS FOR THE YEAR 2014

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

**WHEREAS**, the Annual Budget and Special Assessment Rolls for the Town's special districts and special improvement areas, namely Fort Montgomery Light District; Town of Highlands Water District #1; Town of Highlands Water District #2; and Town of Highlands Sewer Improvement Area for the fiscal year beginning January 1, 2013 were duly prepared and filed with the Town Clerk as required by law, and

**WHEREAS**, a public hearing on the said Budgets and Assessment Rolls as required by law, was held by this Town Board and the Board having met at the appointed time and place as specified in the Notice of Hearing duly published by the Town Clerk and all persons interested and desiring to be heard thereon having been heard;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Town Board of the Town of Highlands does hereby adopt the budget as compiled and presented at the said hearing, together with Assessment Rolls accompanying the same as the Annual Budget and Assessment Rolls for the Town's special districts and special improvement areas, namely Fort Montgomery Light District; Town of Highlands Water District #1; Town of Highlands Water District #2; and Town of Highlands Sewer Improvement Area for the fiscal year beginning January 1, 2014 and that such Budget and the Assessment Roll accompanying the same be entered in full in the minutes of the proceedings of this Town Board; and be it

**FURTHER RESOLVED**, that the Benefit Formulas finally approved shall spread a portion of the cost of maintaining and operating the Town Districts and the payment of the debt service due for the fiscal year beginning January 1, 2014 over the properties within the Districts in proportion to the benefit derived;

and be it

**FURTHER RESOLVED**, that the Benefit Formula for Town of Highlands Water Districts No. 1 and No. 2 is attached hereto as Exhibit A; and be it

**FURTHER RESOLVED**, that the Benefit Formula for Town of Highlands Sewer Improvement Area is attached hereto as Exhibit B; and be it

**FURTHER RESOLVED**, that the Town Clerk of the Town of Highlands prepare and certify in duplicate copies of the said Budget and Assessment Rolls as so adopted for presentation as required by 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	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Holly Gokey, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Absent</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 November 18, 2013.

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June Patterson, Town Clerk

RESOLUTION

OF

NOVEMBER 18, 2013

A RESOLUTION TO AUTHORIZE SETTLEMENT  
OF PROCEEDING UNDER ARTICLE 7  
OF THE REAL PROPERTY TAX LAW:  
KOUTSOURADES SBL # 105-6-1  
Index Nos. 2011-2013

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

WHEREAS, Helen and Christy Koutsourades (“Petitioner”) has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Highlands, Orange County, New York located at 156 Main Street, Section 105-Block 6-Lot 1 on the tax assessment rolls for the tax years 2011, 2012 and 2013; and

WHEREAS, the town appraiser Griffin Valuation Consultants and counsel to the Town, Rider, Weiner & Frankel, P.C., have negotiated a settlement of the proceedings with the Petitioner, reducing the assessment in 2011, 2012 and 2013 to a full market value of \$2,450,000 the terms of which will be embodied in a Consent Judgment; and

WHEREAS, the Town’s Assessor concurs with such settlement; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs the Supervisor and Rider, Weiner & Frankel, P.C. to execute and deliver a Consent Judgment and Stipulation of Discontinuance on behalf of the Town; and

BE IT FURTHER RESOLVED, that Rider, Weiner & Frankel, P.C., the Town's Assessor and other officers of the Town are hereby authorized to take such actions and 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 settlement; 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	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Holly Gokey, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Absent</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 November 18, 2013.

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June Patterson, Town Clerk

RESOLUTION

OF

NOVEMBER 18, 2013

A RESOLUTION TO ESTABLISH AN EMPLOYEE  
BENEFIT ACCRUED LIABILITY RESERVE FUND  
IN ACCORDANCE WITH GENERAL MUNICIPAL LAW  
SECTION 6-P

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

WHEREAS, the Town Board of the Town of Highlands pursuant to Section 6-p of the General Municipal Law of New York State desires to establish an employee benefit accrued liability reserve fund to be entitled “The Town of Highlands Employee Benefit Accrued Liability Reserve;” and

WHEREAS, the Town Board of the Town of Highlands, after due deliberation finds it in the best interest of the Town to establish such a reserve.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Highlands shall establish a reserve fund in accordance with General Municipal Law Section 6-p, entitled “The Town of Highlands Employee Benefit Accrued Liability Reserve;” and

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	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Holly Gokey, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Absent</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 November 18, 2013.

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June Patterson, Town Clerk