

## TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, December 23, 2013 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	June Gunza	----	Council Member
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	Kelly Blauvelt	----	Comptroller
	Lesley K. Peterson	----	Deputy Town Clerk

ABSENT:	James Stradley	----	Council Member
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Supervisor Livsey opened the meeting at 7:00pm.

### PUBLIC COMMENT

No Comment

### MINUTES

Council Member Edsall made a motion seconded by Council Member Gunza to accept the minutes from the December 9, 2013 meeting.

**MOTION CARRIED: 3-ayes (Livsey, Edsall, Gunza)**  
**0-nays**  
**1-absention (Gokey)**  
**1-absent (Stradley)**

### Communications

Supervisor Livsey stated that Dog Control had exceeded their budget by \$5,000 in 2013, there were a lot of changes and adjustments, in laws and hiring of Dog Control Officers.

Police Chief Quinn said they are going to try to eliminate minor incidents going through our lawyers office, he wants everything to come through the Police Department and the Dog Control Officers. Things are better now that laws are being enforced, he is trying to implement pay by mail rather than have people appear in court.

Supervisor Livsey reported there was a fire on Lake Street, Highland Falls. We had to call in an engineer, McGoey & Hauser, to inspect the property, the charge was \$753.00, which in turn we charged the owner of the property for the fee and then they were able to go through their insurance to be reimbursed.

Supervisor Livsey received a letter from Robert Folchetti and Associates, to inform us of proposed changes to the existing water supply system. Waiting for written confirmation from the NYS Department of Health. I also gave a copy to the board expenses paid out for Water District #2 project, the only unfamiliar item would be at the top of your page, Tom Kelly, who is the expert from Gilberti, Stinziano & Heintz.

**Accounts Payable**

Supervisor Livsey reported that we paid out \$72,025.67. \$14,500.00 paid out to McGoey & Hauser for the consulting on the work behind the Town Hall. Also we paid \$17,943.00 to Amstead Waste Landfill. The remainder of \$14,627.00 was sent to the comptroller.

**Budget Transfers**

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Other Recreation Revenue to Recreation Expenses Reimbursement By Parents in the amount of \$817.77.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Recreation Contractual Expenses to Recreation Long Pond Utilities in the amount of \$100.00.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Recreation Contractual Expenses to Recreation Roe Park Utilities in the amount \$145.00.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Recreation Other Expenses to Recreation Fuel in the amount of \$300.00.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Town Clerk Postage to Town Clerk Utilities in the amount of \$15.00 for shortage.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Town Clerk Postage to Town Clerk Printing in the amount of \$60.00.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Court Data Entry to Court Other Expenses in the amount of \$223.61.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Court Data Entry to Court Uniforms in the amount of \$1,685.89.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Dog Control Other Expenses to Dog Control Fuel in the amount of \$150.00.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Dog Control Other Expenses to Dog Control Vehicle Maintenance in the amount of \$20.00.

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

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Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Dial-A-Bus Vehicle Maintenance to Dial-A-Bus fuel in the amount of \$500.00.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Assessor Fuel to Building Dept. Fuel in the amount of \$72.91. Reimbursement for fuel used by Assessor.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Police Clerk to Police Vehicle Maintenance in the amount of \$2,000.00, purchase of 8 new tires.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Ambulance Training to Ambulance Supplies in the amount of \$50.00, medical supplies to due to high call volume.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Ambulance Mandated Medical to Ambulance Supplies in the amount of \$200.00, due to high call volume,

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Ambulance Fuel to Ambulance Utilities in the amount of \$650.00, higher utilities.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Ambulance Insurance to Ambulance Uniforms in the amount of \$150.00, shortage in uniforms.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Ambulance Charges to Ambulance Evolutions Billing Expenses in the amount of \$1,200.00, more revenue needed to cover expense, due to higher volume of calls.

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

Supervisor Livsey made a motion seconded by Council Member Edsall to transfer money from Ambulance Charges to Ambulance Mobile Life in the amount of \$2,600.00 to cover expenses due to higher volume of calls.

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

**BOARD REPORTS**

**Council Member Edsall**

There has been some discussion on Insurance Liability for the marina, Supervisor Livsey and I were on a conference call, I know Justin Rider and Kelly Blauvelt were on a call to way up Insurance options so that we get the most comprehensive coverage for the Marina.

Justin Rider stated that Mine Dock Park Group can get their own insurance at a fairly reasonable cost it would give them the most comprehensive protection he didn't have a definitive figure but it would be somewhere in the range of \$1,200.00 to \$1,800.00. The group is considered its own entity because it is a committee that fundraises that is why they have to consider insurance on their own.

Supervisor Livsey specified that these are a group of volunteers that are friends of the Mine Dock Park Group helping them to develop the park this insurance of roughly \$1,500.00 is to cover those volunteers. In certain situations they maybe liable for certain things that happen down there, so they need to make sure they have their own insurance to cover. Supervisor Livsey also stated that donations towards this insurance coverage would be greatly appreciated, check out Friends of Mine Dock Park online and Facebook.

Supervisor Livsey just highlighted again to Council Member Edsall about the signage down at the park, he said it is kind of conflicting so if we can clarify a little more that would make a huge difference.

**Council Member Gunza**

Really nothing, just to wish our Ambulance Corp, Police Department and Fire Department a Merry Christmas and thank you for all that you do.

**Council Member Gokey**

The only thing I have is for our building department it was probably meant for last meeting but I was not here it is concerning all the complaints, how many there are and how many were completed. So I'm going to make copies for everyone and place in their boxes. I'll summarize for you, the fiscal year 2013 there was a total of 333 complaints, 252 were completed, whether resolved or rectified. 81 are still open that does seem a lot coming up on the new year.

**Supervisor Livsey**

I am sure that everyone knows that this is Council Member Gokey's last meeting, she has been sitting in that chair for the last four years working for the residents of the Town and she has done a very good job. We are going to miss her and we are sorry to see you go. I think Chief Quinn has something for you.

Chief Quinn spoke saying he just wanted to take a moment to recognize Holly Gokey as it is her last board meeting. I would like to thank you for all you have done being an advisor to me, a very supportive person of the Police Department, not to say others haven't, but this is your last time with us and I want to make sure that I publicly recognize you and present you with a certificate of recognition for outstanding support and appreciation for the Town of Highlands Police Department.

**WATER PROJECT**

Supervisor Livsey reported he had some notes on the Water Project continuing on into next year, believes the new part of the Project is going out to bid sometime in March, we probably won't be rid of those trucks down in Fort Montgomery until the summer. This would include an extension to the Fort Montgomery School, something to do with Corbin Hill, and the litigants South of the Sacred Heart Chapel. Attorney Justin Rider said that it doesn't just include the litigants but loops the system to also help the engineers and help everyone in the district.

Our new Highway Superintendant was initiated with some bad weather, the highway guys are well informed on everything anyway so they are all on top of things.

Supervisor Livsey also recognized our volunteer Ambulance Corp and Firefighters for all the work they do twelve months a year but especially at this time of year when weather is so bad and treacherous. Recognized the Police Department too but said they are on the road at all times.

**Consolidation**

Supervisor Livsey spoke lastly about consolidation, 20 years ago we talked about consolidation it has never moved forward. I believe and I speak for myself that the Village should offer a referendum to its people. The village wants to dissolve the people of the village want to dissolve everyone should vote on it, and agree to to the consolidation. The Mayor and the village board want to consolidate the Highway/DPW, we are going to need help from Albany. We have a meeting set up during the day of our next town board meeting Monday 6, 2014 11:30am. It will not be a meeting open to the public but nothing in that meeting will be a secret, it will be public knowledge. The most important thing to come out of that meeting has to benefit the people it has to benefit everybody. I will work along with the Mayor to see what we have on the table.

**Cell Towers**

Supervisor Livsey said he had asked Vincent Xavier, to get certain information for him concerning the cell tower discussion, but he never received it. We do not know specifically what they are offering, monetarily, to put cell towers on the Holiday Inn Property. I am personally against them placing cell towers on that property. If we can get them situated through the planning board and zoning board on two pieces of Town property it would be better.

Council Member Edsall says the Town Board's role is to see if property is available and thinks that is also the role of Planning Board and Zoning Board.

Council Member Gunza also said we need to get all the information we requested before make any decisions and close any doors.

Council Member Gokey said that she has consistently stated that 92% of the land here is not populated cannot understand why they would want to put something so close to a residential area. In my impression in order to reap profits, which is what ultimately they want to do, they need to spend some money to research more.

Supervisor Livsey said that the 92% of vacant land falls under the Government and that is what makes them not want to approach that option.

**Recreation Commission**

Supervisor Livsey said at the village board meeting the Recreation Commission appointed Aaron Falk.

**Attorney's Comments**

Supervisor Livsey said that Justin Rider, Town Attorney, has an amendment to the Legacy Contract. Justin Rider said that there was an amendment to the Legacy Contract agreed upon between the engineer, the town and himself and he had a resolution to that affect:

Council Member Edsall made a motion seconded by Council Member Gokey to adopt the resolution authorizing Supervisor Livsey to sign the amended Legacy contract.



Kelly Blauvelt announced that there had been a meeting with M&R Energy Resources to discuss our energy efficiency at Town Hall, we also have another company, Consumer Energy, making comparisons. Both companies gave us a quote M&R Energy came in at 7.327cents per KWH and Consumer Energy 7.591 cents per KWH. M& R Energy came in a little lower, they did send us a contract and they are asking that we execute it quickly, it fluctuates and generally goes up. We are locked in right now at 6.588 cents per KWH and we stay there until May. What was also interesting is there is zoning in the Hudson Valley for energy rates and in May we will be included in the zoning area of Westchester which ultimately mean prices will go up, so there is a sense of urgency. Important to note that this quote includes the 14% increase of the rezoning in May.

Supervisor asked the board for a motion.

Council Member Gunza made a motion seconded by Council Member Gokey to accept the contract between Mar Energy Resources.

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

#### **Salary Schedule**

Supervisor Livsey reported they the salary schedule as it stands right now is at 2% increase the cost of living increase is at 1.5%. Personally I have no problem with the 2% I'd like to ask the board their opinion, Council Member Gokey agreed. Council Member Edsall and Council Member Gunza both feel that the percentage should be based on performance just as much as anything, but agreed on the 2%, they will not be voting on the salary schedule tonight, but needs discussion.

#### **Public Comment**

None

Supervisor Livsey asked for a motion to adjourn meeting.

Council Member Gokey made a motion seconded by Council Member Edsall to adjourn the meeting

**Meeting adjourned 7:55pm.**

RESOLUTION  
OF  
DECEMBER 23, 2013

A RESOLUTION OF THE TOWN BOARD  
AUTHORIZING RETAINER OF WOIDT ENGINEERING:  
BOG MEADOW DAM INVESTIGATION

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

**WHEREAS**, the engineering firm of Woidt Engineering & Consulting, P.C. ("Woidt"), has offered to provide services related to dam modification investigations for Bog Meadow Pond Dam in accordance with the Fifth Amendment to the Town Village Water Supply Agreement all as outlined in the exhibit attached hereto as Exhibit A (the "Proposal"); and

**WHEREAS**, the Proposal anticipates that all fees would be paid by the Samuel G. Fredman Water Trust and that the Village of Highland Falls will be asked to consent to the Engineering Firm selected for this project; and

**WHEREAS**, the Town Board has reviewed the terms and conditions of the aforesaid Proposal and finds the Proposal acceptable.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

That the Town of Highlands Town Board is hereby authorized to enter into an agreement with Woidt to provide the services in accordance with the Proposal.

That the Supervisor is 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, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and agreements.

That the aforesaid 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>Absent</b>
June Gunza, Councilwoman	voting <b>Aye</b>
Holly Gokey, Councilwoman	voting <b>Aye</b>
William Edsall, Councilman	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 December 23, 2013.

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June Patterson, Town Clerk

RESOLUTION

OF

DECEMBER 23, 2013

A RESOLUTION TO APPROVE CONTRACT  
AMENDMENT  
IN ACCORDANCE WITH CONTRACT  
DOCUMENTS ISSUED FOR BID  
FOR HIGHLANDS WATER DISTRICT NO. 2  
POTABLE WATER SYSTEM EXTENSION:  
RETAINAGE

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

WHEREAS, the Town of Highlands on behalf of Town of Highlands Water District #2 has passed an Order of Public Interest in the matter of the Town of Highlands Water District #2 Distribution System Extension (the "Project");

WHEREAS, the Town Board has been approved for funding of the Project through the New York State Drinking Water State Revolving Loan Fund (the "NYSDWSRF"); and

WHEREAS, the New York State Environmental Facilities Corporation (the "EFC") and New York State Department of Health (the "DOH") jointly administer the NYSDWSRF and award funding to a select number of municipalities in accordance with the applicable rules and regulations thereof; and

WHEREAS, the Project has been listed on the Final Readiness List of the Final Intended Use Plan for the NYSDWSRF for October 1, 2011 – September 30, 2012 as Project Number 18060 with a score of 155; and

WHEREAS, the Town Board has also received the consent of the New York State Comptroller to continue the Project; and

WHEREAS, the Town Board has contracted with the Samuel G. Fredman Water Trust in accordance with an Agreement entered into in June 2012, which contract allocates the responsibility for payment of the costs of the Project; and

WHEREAS, the Town Board received bids on the Project on April 3, 2013 at 11:00 a.m., and

WHEREAS, the Project Engineer, J. Robert Folchetti & Associates, L.L.C. performed a bid evaluation and recommendation to award in April 2013; and

WHEREAS, the Town Board of the Town of Highlands on behalf of Water District #2 did award the contract for the Project on April 15, 2013 to the lowest responsible bidder, Legacy Valve, LLC, to be performed in accordance with contract documents, at a base bid amount of \$1,058,648.00 and a total bid amount of \$1,216,109.00; and

WHEREAS, on July 27, 2013 the project engineer recommended a Change Order in the amount of \$31,400.00 as a result of greater than anticipated rock and the necessary length of piping for the Route 9W bore at School Street, which change order was approved by the Town Board on August 12, 2013; and

WHEREAS, on September 15, 2013 the project engineer recommended a Change Order #2 in the amount of \$14,000.00 to allow the Firefighter's Memorial Drive Main to be extended across the road at Mine Dock Road and to allow for installation of a hydrant to allow flushing of the line, which change order was approved by the Town Board on September 16, 2013; and.

WHEREAS, on September 15, 2013 the project engineer recommended a Change Order #3 in the amount of \$4,000.00 to allow for the installation of pressure reducing valves when the Town is responsible for making connections to a home, which change order was approved by the Town Board on September 16, 2013; and

WHEREAS, on September 15, 2013 the project engineer recommended a Change Order #4 in the amount of \$135,000.00 to allow for the extension of a water main up Brooks Lane, which change order was approved by the Town Board on September, 16, 2013; and

WHEREAS, on September 28, 2013 the project engineer recommended a Change Order #5, at no cost, extending the timeframe of the Contract with Legacy Valve, to permit the completion of work, which change order was approved by the Town Board on September 30, 2013; and

WHEREAS, on December 12, 2013 the project engineer recommended an Amendment to Contract, at no cost, changing the retainage provision based on the request of the contractor and the quality of the work performed, in accordance with the Amendment attached hereto as Exhibit "A" ("Contract Amendment").

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands on behalf of Water District #2 does approve the Contract Amendment at no additional cost, with the change in retainage; 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, agreements, 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 Contract Amendment; 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>Absent</b>
June Gunza, Councilwoman	voting <b>Aye</b>
Holly Gokey, Councilwoman	voting <b>Aye</b>
William Edsall, Councilman	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 December 23, 2013.

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June Patterson, Town Clerk