

TOWN BOARD

The Town Board, Town of Highlands, held a public hearing and meeting on Monday, March 24, 2014 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
	Adrienne T. Voltaire	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

PUBLIC HEARING: INTRODUCTORY LOCAL LAW NO. 1 OF 2014 (Amend Zoning to add Fitness Centers)

Supervisor Livsey has a letter from the Town Planning Board recommending that this be included in the code. Supervisor Livsey stated that the Planning Board reviewed the law and voted in favor of it.

Supervisor Livsey has a letter from the Orange County Dept. of Planning that states they are in favor of this amendment.

Public Comment:

Erik Smith, Chairman of the Town Planning Board, thanked the Town Board for this amendment.

Supervisor Livsey thanked Mr. Smith for all his work as the Chairman of the Planning Board.

Close:

Council Member Edsall made a motion seconded by Council Member Gunza to close the public hearing. Public hearing closed at 7:05pm.

REQUEST TO HIRE THERESA CARESWELL AT PART-TIME POLICE OFFICER

Chief Quinn introduced Ms. Careswell and gave a brief bio. Chief Quinn recommended to the Board that Ms. Careswell be hired as a part-time Police Officer.

Supervisor Livsey explained that when the Town hires a part-time police officer for the completion of Phase II of the Academy, the employee is responsible for any expenses. The Supervisor said, after Phase II they will come to us as a Police Officer.

TOWN BOARD

MARCH 24, 2014

Supervisor Livsey informed Ms. Careswell that the Town Police have a problem covering shifts and she would need to commit to 2-3 shifts a week. The Supervisor asked if this was something that she could do.

Ms. Careswell said she is ready and that she has a very supportive family.

Council Member Voltaire asked Chief Quinn to explain the Phase I and Phase II.

Chief Quinn explained the process.

Council Member Gunza made a motion seconded by Council Member Stradley to hire Theresa Careswell as a part-time Police Officer for the Town of Highlands.

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

Ms. Careswell was sworn in by the Town Clerk.

REGULAR MEETING

PUBLIC COMMENT

There was no public comment.

MINUTES

Council Member Edsall asked the Town Clerk to add the word "visual" to his statement on page 2 of the minutes from March 10, 2014.

Council Member Edsall made a motion seconded by Council Member Stradley to approve the minutes from the March 10, 2014 Town Board meeting.

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

COMMUNICATIONS

None.

FINANCIAL

Accounts Payable:

Supervisor Livsey said the Water District #2 payments were \$1,820.40 and the General Fund payments totaled \$87,711.35.

AUD:

Supervisor Livsey stated that the AUD Report is complete and has been submitted.

Budget Transfer:

Council Member Edsall made a motion seconded by Council Member Stradley to transfer \$250 from Dog Control Other Expenses to Dog Control Utilities.

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

Transfer Insurance Money into Police Vehicle Reserve Fund:

Council Member Gunza made a motion seconded by Council Member Voltaire to transfer the insurance recovery proceeds from the totaled police car into the Police Vehicle Reserve Fund.

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

BOARD REPORTS

Council Member Voltaire:

Council Member Voltaire reported that she asked the Village Board, at their March 17 meeting, to look at the 6th Amendment to the Water agreement. Ms. Voltaire was informed that they were prepared to act, but didn't because they gave it to their attorney to review.

Council Member Voltaire said the School Board is in their budget season and she recommends that everyone pay attention to the budget.

Council Member Voltaire said the Town's new website is now live.

Supervisor Livsey said there is a link to the Town's Facebook page on the website.

Supervisor Livsey stated that there is a lady in Town that thinks Facebook is there to make fun of people and tell lies. The Supervisor said that he is not resigning, there will not be an open spot on the Town Board and he will be running in the next election.

TOWN BOARD

MARCH 24, 2014

Supervisor Livsey said the Town is asking the Village for an amendment on the Water Agreement. The Supervisor stated that the EFC said if the contract was for 30 years they could lend the Town the money for 30 years and it would save the taxpayers some money.

Council Member Gunza:

Council Member Gunza said she had a Communications Radio Transmissions meeting and the radio issues should be resolved as soon as Goosetown makes some adjustments.

Council Member Gunza said the Emergency Preparedness Committee has been invited to attend an Emergency Readiness exercise on West Point and someone will be attending.

Council Member Stradley:

Council Member Stradley said he spoke to Lisa Maher who will be attending the Recreation Commission meeting to discuss activities for older kids.

Supervisor Livsey said that Mrs. Squicciarini recently retired and he asked Mr. Willis what he wanted to do. The Supervisor asked Council Member Stradley to bring that up at the Recreation meeting.

Council Member Edsall:

Council Member Edsall said there were 3 violations issued for signage. Mr. Edsall said 2 did not respond and the third responded and asked to go to court. Mr. Edsall said if Mr. Hager does not hear from the other 2 in 30 days he will issue tickets.

Council Member Edsall said he and Supervisor Livsey met with Doug Willis and his potential replacement.

SUPERVISOR'S REPORT

Supervisor Livsey announced that Channel 23 is now working, but said residents should call Time Warner and complain about it being out and ask for some sort of compensation.

Supervisor Livsey said he sent a letter to Robert Armistead who is the Chairman of the Orange County Industrial Development Agency stating that the Town is in support of the development of the Old Guard Hotel. The Supervisor asked Mr. Rider to explain about the IDA (Industrial Development Agency).

Mr. Rider said the IDA has the authority to grant benefits for projects. Mr. Rider said one of the benefits is Real Estate Tax Abatements which can affect the community.

TOWN BOARD

MARCH 24, 2014

Council Member Edsall said he would like to see something stated about the visual impact in the letter.

Mr. Ride said additional comments can be made.

Council Member Voltaire asked Mr. Rider to explain PILOT.

Mr. Rider explained that PILOT, or Payments in lieu of taxes, is a requirement if tax abatement is granted.

Sandy Capriglioni asked if this was a one phase project and if there was a second phase could they go back to the IDA.

Mr. Rider said they can apply for tax abatement without going to the IDA.

Chief Quinn:

Chief Quinn thanked the Board for hiring Ms. Careswell and having her sworn in tonight. The Chief explained that Ms. Careswell has already paid \$4,000 for her training.

Chief Quinn stated that there will be a memorial service for John Whiffen on May 10 at the Hotel Thayer from 12-2:45pm.

Chief Quinn said the new police car is here and getting outfitted with all the accessories.

Chief Quinn said he is part of a new Advisory board which meets twice a year to discuss crimes. The Chief said he does not have a date for this year yet.

Chief Quinn said he met with the former Provost Marshall who is now in charge of the Cadet's firearm's training and he has offered the Town use of the new simulator in return for the Town training his people.

GENERAL BUSINESS

Resignations – Police Officers:

Supervisor Livsey has a resignation letters from Police Officers Barbara Hogan and Dennis Gomez.

Council Member Edsall made a motion seconded by Council Member Stradley to accept the resignations of Barbara Hogan and Dennis Gomez.

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

Kathy Hamel:

Supervisor Livsey welcomed Ms. Hamel to the meeting.

Resolution to Authorize Tax Certiorari – Weyant Green:

Council Member Edsall made a motion seconded by Council Member Voltaire to adopt the resolution to authorize settlement of proceeding under Article 7 of the Real Property Tax Law with Highland Falls Preservation LP.

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

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

Resolution for Submission to EFC for Sewer Plant Upgrades:

Mr. Rider said this resolution would authorize the submission of an application to the Environmental Facilities Corporation for Sewer Plant upgrades.

Supervisor Livsey said it would put the Town of the list with the EFC, but it could take 1-2 years to get to the Town's project.

Mr. Rider said the Town needs to decide what is needed at the plant and get some details.

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution to authorize the submission of an application to the Environmental Facilities Corporation for Sewer Plant upgrades.

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

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

United Methodist Church:

Supervisor Livsey announced that on Saturday, March 29, from 11:30-1 free lunch will be offered to the community at the church.

Dial-A-Bus Certifications and Assurances:

Council Member Gunza made a motion seconded by Council Member Voltaire to authorize Supervisor Livsey to sign the Dial-A-Bus Certifications and Assurances.

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

TOWN BOARD

MARCH 24, 2014

PUBLIC COMMENT

No public comment.

ADJOURN

Council Member Stradley made a motion seconded by Council Member Edsall to adjourn the meeting. Meeting adjourned at 8:00pm.

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

Attest,

RESOLUTION

OF

MARCH 24, 2014

A RESOLUTION TO AUTHORIZE SETTLEMENT
OF PROCEEDING UNDER ARTICLE 7
OF THE REAL PROPERTY TAX LAW:
HIGHLAND FALLS PRESERVATION LP
SBL #104-6-16.1 & 16.2
Index Nos. 2012-2013

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

WHEREAS, Highland Falls Preservation LP (“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 40 West Point Highway, Section 104-Block 6-Lots 16.1 & 16.2 on the tax assessment rolls for the tax years 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 level from \$4,133,300 to \$3,732,380 on lot 16.1 and from \$213,300 to \$192,620 on lot 16.2 in 2012 and 2013, the terms of which are embodied in a proposed Consent Judgment attached hereto as Exhibit A; 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	Aye
June Gunza, Councilwoman	voting	Aye
Adrienne Voltaire, 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 March 24, 2014.

June Patterson, Town Clerk

RESOLUTION

OF

MARCH 24, 2014

A RESOLUTION TO AUTHORIZE
SUBMISSION OF AN APPLICATION
TO THE ENVIRONMENTAL FACILITIES CORPORATION
FOR SEWER PLANT UPGRADES IN THE
TOWN OF HIGHLANDS SEWER IMPROVEMENT AREA

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

WHEREAS, the Town of Highlands is commencing the analysis of sewer plant upgrades within the Town of Highlands Sewer Improvement Area; and

WHEREAS, a map, plan and report will be prepared according to law by Fusco Engineering & Land Surveying, P.C., in such manner and in such detail as shall be determined by the Town Board of the Town of Highlands relating to the new facilities to be placed within the existing sewer district; and

WHEREAS, the Town Board of the Town of Highlands shall cause a full Environmental Assessment Form (the "EAF") to be prepared for the proposed upgrades to the sewer plant (the "Action"); and

WHEREAS, the Town Board shall conduct a review of the Action pursuant to the State Environmental Quality Review Act; and

WHEREAS, the State of New York Environmental Facilities Corporation (NYSEFC) has programs available to facilitate capital improvements in municipalities; and

WHEREAS, in conjunction with the Town Engineering firm the Town of Highlands will be making application to the NYSEFC.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Highlands hereby does approve and endorse an application to the NYSEFC for the Action; 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 NYSEFC under the applicable program; 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
Adrienne Voltaire, 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 March 24, 2014.

June Patterson, Town Clerk