

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, April 28, 2014 at Town Hall, 254 Main St, Highland Falls, at 7:00pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	June Gunza	----	Council Member
	Adrienne T. Voltaire	----	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.

Supervisor Livsey asked for a moment of recollection for Katherine Richardson lifelong resident of the Town, most would remember her from working at the Grand Union and “Maria” Podias, mother of our Tax Receiver, who came to the Town in 1969 and loved her community.

PUBLIC COMMENT

None

MINUTES

Council Member Edsall made a motion seconded by Council Member Gunza to approve the minutes from the April 14, 2014 meeting.

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

COMMUNICATIONS

Supervisor Livsey received a letter from Homeland Towers which included two maps regarding cell towers. Supervisor said he will put this issue on the agenda for the second meeting in May. Will have copies of the maps in the Town Clerk’s Office for the public.

The Supervisor announced that tomorrow, Tuesday April 29, 2014 at 10:00am in the library they’ll be a meeting of the Orange County IDA (Industrial Development Agency) they will have a Public Hearing, headed by Church Hill Properties, who will be discussing the development of a new property, The Old Guard Hotel.

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Peddler's Permit:

Supervisor Livsey said that Daniel Malarkey had requested a Peddler's Permit to sell electronic cigarettes and accessories out of his vehicle. The Supervisor said needs the Board's approval and he will give the Town Clerk \$100 for the license. Supervisor Livsey said had no problem with it.

Council Member Voltaire asked if he would be selling from his own property or will he be mobile.

Supervisor Livsey said he's assuming it would be mobile.

Council Member Voltaire made a motion seconded by Council Member Gunza to allow Mr. Malarkey to purchase a license to sell electronic cigarettes from his vehicle.

MOTION CARRIED: 3-eyes (Livsey, Gunza, Voltaire)
1-nay (Edsall)
1-absent (Stradley)

FINANCIAL REPORTS, REQUEST & RESOLUTIONS

Supervisor Livsey said the expenditures for the month totaled \$98,651.60.

BOARD REPORTS

Council Member Edsall:

Council Member Edsall said there was some progress with Building Department, regarding the signage issue. Mr. Edsall said John Hager requested approval from the Board to expend \$200.00 to cover cost of service of appearance ticket to Department of State due to offending party being a corporation.

Council Member Edsall said a few days ago Kelly Blauvelt, Doug Willis, Pat Patterson, June Gunza and myself sat down and interviewed several applicants for the replacement of Doug Willis as Chief Wastewater Treatment Plant Operator. We selected a few candidates to return for a second interview scheduled at the Sewer Plant.

Council Member Edsall stated that John Hager would like to close out the demolition permit at Mine Dock Park, but there are still some issues that needed to be addressed. Mr. Edsall said he would speak with "The Friends of Mine Dock Park" so we're able to do that.

Council Member Edsall said that he just wanted to remind Supervisor Livsey to speak with Pat Patterson regarding the lighting at Patriot Garden.

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Supervisor Livsey commented that he had confirmed with Mr. Patterson that there is a “dusk to dawn light” but it is facing across the street. The Supervisor asked the Comptroller, Kelly Blauvelt, if we had cancelled that.

Ms. Blauvelt said they were in the process of doing so.

Council Member Gunza:

Council Member Gunza reported that the issue of fixing the ambulance door is progressing nicely. Ms. Gunza also praised the Police Department and read an e-mail she received praising Officer Wheeler’s assistance with troubled motorist recently.

Supervisor Livsey requested that the letter be put into Officer Wheeler’s file.

Supervisor Livsey stated that Wednesday is slated as the day when the radios are being taken care. The Supervisor said he got a taste of what it was all about when the driver has a hard time changing channels and communicating with the Police and Hospital while driving and it can become quite dangerous.

Council Member Voltaire:

Council Member Voltaire reported that she had attended the Village Board Meeting and there were two things she came away with, the Cadets had completed the Cap Stone project so they presented that, which was really nice.

Council Member Voltaire said that she went to the Board of Education Meeting and she decided that they would take their budget to the cap. Ms. Voltaire said the reason being that the State’s rebates for homeowners will be higher if they take it to the cap and therefore the school taxes won’t go up.

Supervisor Livsey said that he had asked the question will the Town, Village and School get a rebate and the answer was yes as long as everything went as planned.

Mary Jane Pitt added that the school will be rolled out first before anyone else and this will be the first year.

Police Department:

Chief Quinn said that if anyone has an assault weapon the deadline to register it has come and gone, but you can register on the NYS Police website.

Chief Quinn said the new car is in service and it was used at West Point for the Special Olympics.

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Chief Quinn thanked Council Member Gunza for reading the e-mail she received regarding Officer Wheeler. The Chief said he did what our officer's do every day, it's just that people don't sit down and write letters.

Chief Quinn said the Police Department had received a matching grant for bullet proof vests, in the amount of \$6,392.00. The Chief said he believes the Board would need to accept that they are to replace the old vests.

Supervisor Livsey addressed the comptroller, and asked if we had the match in the budget and she said yes.

Council Member Edsall made a motion seconded by Council Member Gunza to accept the matching grant to replace bullet proof vests in the amount of \$6,392.00.

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

SUPERVISOR'S REPORT

Supervisor Livsey asked James DiSalvo, County Legislator if had anything to say from the County.

County Legislator DiSalvo reminded everyone of the Public Hearing that was set for tomorrow regarding the Old Guard Hotel.

Supervisor Livsey announced that he has been asked by Mayor Flynn to be the Town representative for the Cap Program that has just been formed by the Cadets at West Point. The Supervisor asked Council Member Voltaire if she wanted to take it on.

Ms. Voltaire said she was not able to take it on at this time.

Supervisor Livsey said no problem he would be glad to do it, however, they are looking for a person from Fort Montgomery to represent on the committee.

Supervisor Livsey quoted Mary Jane Pitt, News of the Highlands Editor, as saying in last week's paper you had us saying that we had \$3,500.00 for the Garden Club and \$3,500.00 for Vision, but there is only \$3,500.00 total.

Supervisor Livsey said he received a letter from the Police attorney and he has turned it over to Kelly Blauvelt, Comptroller. The Supervisor said they have asked for numerous things most of which can be found online. Supervisor Livsey asked Ms. Blauvelt to take care of what she can and we will advise the attorney to obtain the other information online.

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Supervisor Livsey said he received a late e-mail from West Point regarding a walk “ Carry the Load”, from West Point to Texas, which will take part tomorrow at 12 noon, and briefly, it invites all Americans to walk for 27 days to Remember, Honor and Celebrate “Our Heroes”. The Supervisor said anyone can join the relay along the route and walk for as long as they want, the purpose is to restore the meaning of Memorial Day for the sacrifices of our Military, Law Enforcement, Fire Fighters and Rescue Personnel.

Supervisor Livsey noted last week that our Insurance Company sent out Inspectors and they made a number of recommendations, one of which we should have a written policy for playground equipment safety. The Supervisor said they recommended that the Town get a professional to come in and inspect, but after research we found it would cost \$1,000.00, we do not have \$1,000.00 in the budget. The Supervisor said he said that he went online to a National Website for playground Inspections and found a checklist that we could possibly use, we will continue in house and have an inspector use the checklist.

Supervisor Livsey referred to Pat Patterson and asked him what he found out after researching different companies for chemicals.

Mr. Patterson said he called a couple of companies and was able to find Pool Chlorine for \$1.40 cheaper and it is close to that also on Sewer Chlorine, approximately \$1,000.00 to \$2,000.00 a year savings.

Supervisor Livsey received a letter from NYS DOT, regarding the area on top of Mountain Ave, Highland Falls and Stony Lonesome. The Supervisor said they reviewed the last 3 years accident reports and there were no accident that warrants a stop sign there.

Chief Quinn said he had responded to this letter and e-mailed to the State regarding the last accident there.

Supervisor Livsey said that he was going to contact Assemblyman Skoufis’ office to get involved and Mayor Flynn has expressed his anger towards the situation and hopes to get some more people on board.

GENERAL BUSINESS

Park Rules and Regulations Public Hearing:

Supervisor Livsey said he would like to set a Public Hearing for Introductory Local Law #2 of 2014 “Parks and Recreation Areas”. The Supervisor said the Board and the Attorney have a copy of this. The Supervisor said he mentioned to Mayor Flynn that he did not have any rules and regulations in place for the Village and told him when something was prepared a copy would be provided to him.

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Council Member Gunza made a motion seconded by Council Member Edsall to set the Public Hearing scheduled May 26, 2014 for Parks and Recreation Area.

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

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

Supervisor Livsey announced that the information will be available on our website.

Mr. Rider added that it was quite a comprehensive project.

Unsafe Building Resolution:

Supervisor Livsey asked the Town Attorney, Justin Rider to elaborate on the subject of “Unsafe Buildings”.

Mr. Rider said the Building Inspector has written the Board that, under his recommendation 26 Mine Dock Road has been declared “Unsafe” and demolished. Mr. Rider said that based on Mr. Hager’s inspection and the Town Engineers’, they are advising that the property owner take care of the demolition, giving him the ability to appear at the May 12, 2014 Town Board Meeting to argue his case. Mr. Rider said after the hearing the Town can make their decision and set the time frame for demolition and if the property owner fails to take care of the demolition, the Town can take care of it or hire someone to do the demolition. Mr. Rider explained that, if the Town takes responsibility for the demolition, the cost can be levied against the property in taxes.

Council Member Edsall confirmed that the Building Inspector did advise all parties involved.

Mr. Rider said the property owner and Fusco Engineering were notified by e-mal of his recommendations.

Council Member made a motion seconded by Council Member Voltaire to hold a hearing on May 12 to allow the property owner to argue his case.

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

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

Supervisor Livsey had a footnote regarding the property they had received one estimate of \$18,000.00 to demolish, which would be reimbursed to the Town if we had to do that.

OC Community Development Block Grant:

Supervisor Livsey reported that every year we are notified of Federal money that we put in for, however, we don't necessarily get that money. The Supervisor would like to invite any proposals from the public which will be submitted to the Orange County Community Development Program. The Supervisor said a Public Hearing for Town residents will be held on May 12, 2014 at 7pm at the Town Hall. Supervisor Livsey said the project being proposed is blacktop road parking lot and stripping at Brooks Park in the amount of \$14,000.

Council Member Edsall made a motion seconded by Council Member Gunza to hold a Public Hearing for Community Development Proposal on May 12, 2014 7pm at Town Hall.

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

OTHER BUSINESS

Highway/Sanitation:

Supervisor Livsey asked Highway Supt. Patterson, to explain his shortage in manpower and what changes he'd like to make.

Mr. Patterson explained that he has had one full-time employee out on Workman's Compensation for twelve weeks. Mr. Patterson said he is not sure if/when this employee will be back and he would like remove Ryan Falk from probation and move him to the driver's position temporarily and hire a temporary employee to take his place. Mr. Patterson stated that both these employees have been advised that things will change if the other employee returns to work.

Council Member Voltaire made a motion seconded by Council Member Edsall to move Ryan Falk from probation to regular status.

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

Recreation Clerk:

Supervisor Livsey announced that Jim Willis, Colleen Solan and Kelly Blauvelt interviewed twelve applicants for position of Recreation Clerk position. The Supervisor said it was decided to offer Nora Vergas the position with her hours being Monday thru Friday 8:30am to 12:30pm at \$12 an hour. The Supervisor said Ms. Vergas has been advised that this a temporary clerk position.

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Council Member Edsall made a motion seconded by Council Member Voltaire to hire Nora Vergas as a part-time, temporary recreation clerk at a pay of \$12.00 an hour.

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

Supervisor Livsey made an announcement that the Recreational Director, Jim Willis, may retire this summer.

Supervisor Livsey said in the past it has been the Recreation Commission that has hired and fired the Recreation Director. The Supervisor said he has talked that over with the Board and the Mr. Rider and they all agreed that it should not be the Recreation Commission's responsibility. Supervisor Livsey stated that is a position hired to work in the Town therefore the Town Board should discuss and make a decision on that position.

Supervisor Livsey suggested that he would like to make a change to paragraph 8 "the Commission shall have the power to appoint and dismiss any employees of the Commission pursuant to section 244 General Municipal Law". The Supervisor would like that to state "all employees of the Recreation Commission shall be employees of the Town of Highlands. Town of Highlands Town Board shall hire and or appoint and dismiss all employees of the Commission pursuant to section 244, the Recreation Commission shall recommend candidates to Town Board for hiring contingent on majority vote of the Town Board".

Mr. Rider stated the General Municipal Law Section 244 is very specific to Recreation so there is no need to quote that, maybe just replace with "all employees of the Commission and Recreation" and I would strike Section 244 General Municipal Law, also it is not subject to a Public Hearing, just Town and Village need to agree on it, once finalized we would all sign agreement.

Council Member Edsall made a motion seconded by Council Member Voltaire to change Paragraph 8 "Recreation Commission Hiring and Firing".

MOTON CARRIED: 4-eyes (Livsey, Gunza, Edsall, Voltaire)
0-nays
1-absent (Stradley)

Supervisor Livsey said he did some research on salaries of hired Recreation Directors in various Towns and the Town could compare these when and if the time comes.

Ms. Blauvelt said the Board only removed Ryan Falk from probation, but did not hire him as a temporary Sanitation Driver

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Deputy Town Clerk, Lesley Peterson, confirmed that, so Supervisor Livsey ask for a motion.

Council Member Voltaire made a motion seconded by Council Member Gunza to appoint Ryan Falk as a temporary sanitation driver.

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

Mr. Patterson asked the Board if they were going to make a motion to hire someone to replace Ryan Falk.

Supervisor Livsey said that decision can't be made until the Board sees the applications. The Supervisor asked Mr. Patterson if he had someone in mind.

Mr. Patterson said there is such a sense of urgency he would rather not leave another two weeks until board made their decision.

Supervisor Livsey suggested that the Board hold a Special Meeting, but advised Mr. Patterson to provide the Board with the applications to review as soon as possible.

Ambulance Corps:

Chief Quinn approached the mike to praise Capt. Bill Stroppel on his tremendous effort with the Community Service Program. The Chief said they have transformed the front of the Police/Ambulance Building, with all their raking and sweeping.

Council Member Gunza also thanked him for his efforts.

Supervisor Livsey asked Captain Stroppel to comment on anything he has for us.

Capt. Stroppel said the ambulances are now carrying "Narcan".

Supervisor Livsey asked Capt. Stroppel elaborate on what "Narcan" is.

Capt. Stroppel explained it is a drug used to override a drug overdose. Mr. Stroppel also said the Ambulance Corps is now able to monitor glucose as they are now carrying glucometer meters.

Capt. Stroppel stated that he has tried several places to get the ambulance door fixed, but they don't want to get involved. Mr. Stroppel said there is a company in New Jersey that is a last resort.

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Council Member Gunza said that they had discussed the Ambulance Door earlier and were cautiously optimistic that the door will be fixed.

Supervisor Livsey also brought up Radio situation and told Capt. Stropfel that he needs to know as soon as possible if the radio situation hasn't improved.

Comptroller:

Ms. Blauvelt commented that Pat Patterson had gone out and successfully done water readings and that now we have a software that works cohesively with the electronic readings. Ms. Blauvelt also reminded everyone to check our website and Facebook pages.

PUBLIC COMMENT

Council Member Edsall addressed Lynn Edsall and asked when "Roadside Cleanup" was.

Ms. Edsall said it will be held on Saturday May 17, 2014 at 8am across from the Fort Montgomery Post Office.

ADJOURN

Council Member Edsall made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 8:05pm.

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

Attest,

RESOLUTION

OF

APRIL 28, 2014

A RESOLUTION ORDERING
UNSAFE BUILDING PROCEDURE
PURSUANT TO CHAPTER 88
ENTITLED "BUILDINGS, UNSAFE"
OF THE CODE TOWN OF HIGHLANDS

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

WHEREAS, the Building Inspector of the Town, John Hager has performed an inspection of the premises located at 26 Mine Dock Road, designated on the Tax Map of the Town of Highlands as Section 16, Block 4, Lot 2; and

WHEREAS, the Town Engineer, Fusco Engineering and Land Surveying, P.C., has similarly inspected the structures as of April 1, 2014 and has recommended that due to dangerous conditions the building be demolished; and

WHEREAS, based on the inspections, the Building Inspector has recommended that the Town Board declare the premises unsafe and that the Town Board provide notice to the property owner requiring that same be demolished; and

WHEREAS, the Town Board agrees with the recommendation of the Building Inspector and shall institute proceedings in accordance with Chapter 88 of the Town Code to have the premises demolished.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Highlands Town Board hereby declares the premises unsafe and orders the demolition and removal thereof; and

BE IT FURTHER RESOLVED, that in accordance with Section 88-5 of the Town Code, the Town Board shall hold a hearing, upon notice to the owner, on the 12th day of May, 2014, at 7:00 p.m. or as close thereafter as can be heard to determine whether the order to demolish shall be affirmed or modified; and

BE IT FURTHER RESOLVED, that in accordance with Section 88-6 of the Town Code, the Town Board orders that no person other than the owner or his agent shall enter upon the property and that the property shall be posted indicating "no trespassing," and

BE IT FURTHER RESOLVED, that in accordance with Section 88-7 of the Town Code, the Town Board shall notify the record owner of Section 16, Block 4, Lot 2 by a notice containing the following:

- A.** The name of the owner or person in possession as appears from the tax and deed records.
- B.** A brief description of the premises and its location.
- C.** A description of the building which is unsafe or dangerous and a statement of the particulars in which it is unsafe or dangerous or a copy of the Building Inspector's report.
- D.** An order requiring the same to be removed.
- E.** That the removal of said building shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter.
- F.** The time and place of the hearing to be held before the Town Board, at which hearing the owner or occupant or others having an interest in the premises shall have the right to contest the order and findings of the Town Board.
- G.** That in the event that such owner, occupant or other person having an interest in said premises shall fail to contest such order or fail to comply with the same, the Town Board will order the repair or removal of such building by the Town, and the Town will assess all costs and expenses incurred in such repair or removal against the land on which such building is located.
- H.** That in any case where a building which is required to be made safe and secure under this chapter is made safe by the boarding up thereof, the material for such boarding shall be painted, as near as practicable, the same color as the building.
- I.** That failure to commence the necessary repairs, improvements or demolition within the time specified in the notice will constitute a violation of the law, punishable, upon conviction, by a fine not to exceed \$250 and/or imprisonment not to exceed 15 days. Each week the violation continues shall be deemed a separate and distinct violation; and

BE IT FURTHER RESOLVED, that in accordance with Section 88-8 of the Town Code, the above referenced notice shall be served in the following manner:

- A.** A copy of said notice shall be personally served upon the owner or upon one of the owners, executors, legal representatives, agents, lessees or other person having a vested interest in the premises as shown on the Town tax records or in the records in the Orange County Clerk's office.

B. If such person cannot be reasonably found for personal service, then a copy of said notice shall be mailed to such person by registered mail addressed to his last known address as shown on said records and by personally serving a copy of said notice upon any adult person residing in or occupying said premises or by securely affixing a copy of said notice upon said building; and

BE IT FURTHER RESOLVED, that in accordance with Section 88-12 of the Town Code, all expenses incurred by the Town in connection with the proceedings, including a reasonable surcharge, shall be assessed against the land and shall be levied and collected in the same manner as provided for the levy and collection of real property taxes.

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	Absent
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 April 28, 2014.

June Patterson, Town Clerk

RESOLUTION
OF
APRIL 28, 2014

A RESOLUTION TO INTRODUCE AND
SCHEDULE A PUBLIC HEARING TO RECEIVE
PUBLIC COMMENTS CONCERNING THE ENACTMENT OF
A LOCAL LAW ADDING A NEW CHAPTER 135 ENTITLED
“PARKS AND RECREATION AREAS”
TO THE CODE OF THE TOWN OF HIGHLANDS
AND AMENDING OTHER TOWN CODE
PROVISIONS CONCERNING PARKS

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

BE IT RESOLVED, that INTRODUCTORY LOCAL LAW NO. 2 OF 2014 entitled “A Local Law Adding a New Chapter 135 entitled ‘Parks and Recreation Areas’ to the Code of the Town of Highlands and Amending other Town Code Provisions Concerning Parks” 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 May 26, 2014 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	Absent
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 April 28, 2014.

June Patterson, Town Clerk