

TOWN BOARD

The Town Board, Town of Highlands, held two public hearings and a meeting on Monday, May 19, 2014 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
 Adrienne T. Voltaire ---- Council Member

ABSENT: James Stradley ---- Council Member

Supervisor Livsey opened the meeting at 7:00pm.

PUBLIC HEARING – LOCAL LAW #2 – “PARKS AND RECREATION AREAS”

Supervisor Livsey said the Town has put together some suggestions and have come up with this local law which will control the local parks, which include Brooks Park, Patriot Garden and Mine Dock Park.

Public Comment

There were no comments from the public.

Close

Council Member Edsall made a motion seconded by Council Member Voltaire to close the public hearing. Public hearing closed at 7:03pm.

PUBLIC HEARING – SUBMISSION OF CDBG PROGRAM FOR 2015

Supervisor Livsey said the Town has not applied for this type of grant in a few years because of the income requirements. The Supervisor said the money received will go towards making Brooks Lake Park handicapped accessible and drainage on the field. The Supervisor said this public hearing is being held to inform the public what is planned and to listen to suggestions.

Public Comment

There were no comments from the public.

Close

Council Member Edsall made a motion seconded by Council Member Gunza to close the public hearing. Public hearing closed at 8:05pm.

****REGULAR MEETING****

PUBLIC COMMENT

Mike Colacicco asked if he should wait to comment until after the Homeland Towers presentation.

Supervisor Livsey said there will be another public comment later in the meeting.

MINUTES

May, 3, 2014

Council Member Edsall made a motion seconded by Council Member Gunza to approve the minutes from the May 3 Special meeting.

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

May 12, 2014

Council Member Voltaire asked the Town Clerk to amend the minutes to state she was not familiar with the resolution for the Court Attendant Legislation, not that she had a problem with them carrying their weapons.

Council Member Voltaire made a motion seconded by Council Member Gunza to approve the minutes from the May 12 Town Board meeting.

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

FINANCIAL REPORTS, REQUESTS & RESOLUTIONS

Supervisor Livsey reported that the Accounts Payable total was \$266,514.83.

COMMUNICATIONS

Supervisor Livsey said he is trying to deal with CSX to get the railroad crossing open at Mine Dock Park, but he is not having much luck.

Supervisor Livsey announced that the Department of Health will be spraying the drains in the Town soon.

HOMELAND TOWERS PRESENTATION

Vincent Xavier, from Homeland Towers, gave a presentation on the proposal for cell towers in the Town.

Council Member Edsall questioned the statement about the Town having control of the property.

Mr. Xavier explained that the Planning Board and local Board have a lot of control. Mr. Xavier further explained that the Town Board has control over what Homeland Towers will bring to the Planning Board.

Council Member Edsall asked if the site is abandoned would the tower be torn down.

Mr. Xavier said the tower would be removed and the property would be restored.

Supervisor Livsey asked about the safety of the towers if there was a catastrophic incident and what was the chance of them tipping.

Mr. Xavier stated that the towers are designed with a weak point and will fall into themselves.

Supervisor Livsey clarified that the decision tonight would be for the Town to be the landlord, not to give permission for the towers.

Mr. Xavier said that is what they are asking for.

Pat Patterson said he is concerned with the corner they are looking at.

Mr. Xavier said he would work with Mr. Patterson to see what will work best.

Mr. Colacicco said Homeland Towers will have to go to the Planning and Zoning Boards and stated that he is against the tower being put at the Holiday Inn site.

Ned Kopald asked if they have the engineering objective report.

Manuel Vincente, Homeland Towers, informed Mr. Kopald that the full report was provided to the Planning Board.

Mr. Rider said there is a wealth of information available to the public with the Planning Board.

Wayne Kocher said he is against cell phones and cell towers because of the bad health effects.

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Mr. Vincente said that the cell towers do not give off radiation, but rather EMFs. Mr. Vincente said the biggest producer of EMFs in the home is the refrigerator.

BOARD REPORTS

Council Member Voltaire:

Council Member Voltaire said she didn't have anything to report, but did remind everyone that the School Board vote would be taking place tomorrow.

Supervisor Livsey said there were 4 seats open.

Council Member Edsall:

Council Member Edsall said there were good candidates for the Sewer Operator and the Board would be discussing this position in executive session.

Council Member Edsall asked Mr. Patterson how it was going with Verizon and the poles.

Mr. Patterson said he was told they were working on it. Mr. Patterson stated that he will call them again and if he doesn't get anywhere, he will call the Public Service Commission.

Council Member Edsall said the roadside cleanup was a little easier this year.

Council Member Gunza:

Council Member Gunza said the Capstone Project Business Committee needs a representative from Fort Montgomery and she would like to see the Board appoint someone.

Police:

Chief Quinn introduced James Carron who he would like the Board to appoint. The Chief explained Mr. Carron is a 20 year veteran of the NYPD, a resident of the Town of Haverstraw and comes with good references.

Supervisor Livsey asked Mr. Carron if he would be able to give the Chief the hours he needs.

Mr. Carron said he could.

Council Member Gunza made a motion seconded by Council Member Edsall to hire James Carron as a part-time Police Officer at the starting salary and maximum probation.

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

Highway Dept.:

Mr. Patterson stated the lift is in, the truck is in and everything is in good shape.

Supervisor Livsey stated that Mr. Patterson would be looking to sell the old lift.

Mr. Patterson said he would address that at a later date.

Ambulance Corps:

Capt. Stroppel said the triangle at 9W and Old State Road is done. Mr. Stroppel said he is down to his last couple of Community Service workers and asked the Judge if he could have more.

Capt. Stroppel thanked Mr. Patterson and Rick Jersey for putting the bunting on the Ambulance building so quickly when Helen Armstrong died.

Police Dept:

Chief Quinn reminded everyone that May 28 is West Point Graduation. The Chief said this Thursday there is a law enforcement meeting on West Point to discuss the graduation.

Chief Quinn reported that on June 3 at 8am there will be a Dam Safety Training class on West Point which will be open to the Town Board and Emergency Services.

Chief Quinn also stated that on June 3 at 2pm and 7pm there will be an Awareness Training on railroad incidents at the Vails Gate Fire Department.

Chief Quinn said that on May 10 a memorial service was held for John Whiffen. The Chief said it was a nice service and the flag that was presented to Mrs. Whiffen has been given to the Town Police and will be flown at the Police Station.

SUPERVISOR'S REPORT

Supervisor Livsey reported that he met with Doris Lent who did a great job getting prices for plants this year; the plants will be costing \$2,100. The Supervisor asked for volunteers to help with the garden in front of his restaurant, stating he couldn't do it by himself.

Supervisor Livsey met with the Mayor to discuss Recreation. The Supervisor was informed by the Mayor that he would be bringing up the Agreement at his meeting. The Supervisor informed Mr. Rider that his assistance would be needed with the new Agreement. The Supervisor said the Recreation Commission might need to be abolished and a Committee formed. Supervisor Livsey said the Mayor advised him that the Village would be keeping the responsibilities at Roe Park. The Supervisor said all of this is tentative.

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Supervisor Livsey received a complaint about parking on Mine Dock Rd. The Supervisor said it was supposedly posted “No Parking”, but the signs seem to have disappeared and he asked Mr. Patterson to check it out.

Mr. Patterson said he needed to check out a complaint on Montgomery Rd about a bus not being able to turn around. Mr. Patterson said he would probably speak to the Chief about this.

Supervisor Livsey said that he would like Chief Quinn and Mr. Patterson to deal with the 3-way Stop sign at the Stoney Lonesome interchange. The Supervisor recommended that they speak to Assemblyman Skoufis who wants to help.

Chief Quinn said he emailed Chief Scott, Village PD, and asked if he could help.

ATTORNEY’S COMMENTS

Mr. Rider sent the Board an email about an expenditure from the Sanitation Reserve Fund for some repairs on Truck 67.

Mr. Patterson explained he had the repairs done and it lowered the account. Mr. Patterson is asking for \$12,775.

Mr. Rider said the resolution states an amount “not to exceed \$12,775”. Mr. Rider stated this resolution is subject to a permissive referendum.

RESOLUTION – Sanitation Vehicles Capital Reserve Fund Expenditure

Council Member Edsall made a motion seconded by Council Member Voltaire to adopt the resolution to authorize expenditure from the Sanitation Vehicles Capital Reserve Fund for garbage truck repairs.

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

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

UNFINISHED BUSINESS

Budget Transfer

Council Member Edsall made a motion seconded by Council Member Voltaire to transfer \$3,773.67 from Insurance Recoveries to Highway Town Wide Other Expenses.

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

Resolutions – Local Law #2 Parks & Recreation Areas:

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution of SEQR Designation and Determination for Local Law #2 of 2014 – Parks and Recreation Areas.

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

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

Council Member Edsall made a motion seconded by Council Member Gunza to adopt Local Law #2 of 2014 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.

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

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

Resolution – Submission of CDBG Grant:

Supervisor Livsey said Mr. Fusco informed him that he would do the grant work for \$500 and that money would be reimbursed by the grant. The Supervisor said he was also informed that the work would be done by the end of the month.

Council Member Edsall made a motion seconded by Council Member Voltaire to adopt the resolution to authorize the submission of a grant application to the Orange County in connection with the Community Development Block Grant Program for 2015.

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

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

EXECUTIVE SESSION

Council Member Edsall made a motion seconded by Council Member Voltaire to go into executive session to discuss: Recreation Personnel, Sewer Personnel, Legal Aspects of repairing Ambulance door. Board went into executive session at 9:00pm

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

Council Member Edsall made a motion seconded by Council Member Gunza to close the executive session. Executive session closed at 9:50pm.

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

UNIFINISHED BUSINESS

Sewer Plant:

Council Member Edsall made a motion seconded by Council Member Gunza to offer Robert Held the position of Wastewater Treatment Plant Operator at a salary of \$29,995 and at the maximum probationary period.

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

Council Member Gunza asked if an additional position was created.

Council Member Edsall stated that it needs to be confirmed that there is enough money in the budget to pay both operators.

Cell Towers:

Supervisor Livsey said the Board is not prepared to make a decision at this time.

ADJOURN

Council Member Voltaire made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 10:00pm.

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

Attest,

RESOLUTION

OF

MAY 19, 2014

A RESOLUTION TO AUTHORIZE
EXPENDITURE FROM THE
SANITATION VEHICLES CAPITAL RESERVE FUND
FOR GARBAGE TRUCK REPAIRS

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

WHEREAS, the Town Board of the Town of Highlands pursuant to Section 6-c of the General Municipal Law of New York State heretofore established a certain capital reserve fund for the repair of sanitation equipment known as the Sanitation Vehicles Capital Reserve Fund; and

WHEREAS, the Town Board desires to authorize the expenditure of an amount not to exceed Twelve Thousand Seven Hundred Seventy Five and 00/100 (\$12,775.00) DOLLARS from said capital reserve fund to pay for repairs to Sanitation Truck #67 used in refuse removal, including air piper cleaning, exhaust and intake manifolds, valve covers and the cylinder head.

NOW, THEREFORE, BE IT RESOLVED, an expenditure not to exceed the sum of Twelve Thousand Seven Hundred Seventy Five and 00/100 (\$12,775.00) DOLLARS is hereby authorized from the Sanitation Vehicles Capital Reserve Fund to pay for repairs to Sanitation Truck #67 used in refuse removal, including air piper cleaning, exhaust and intake manifolds, valve covers and the cylinder head; and

BE IT FURTHER RESOLVED, that the foregoing resolution is adopted subject to permissive referendum

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 T. 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 May 19, 2014.

June Patterson, Town Clerk

RESOLUTION

OF

MAY 19, 2012

RESOLUTION OF SEQR DESIGNATION
AND DETERMINATION
INTRODUCTORY LOCAL LAW #2 OF 2014
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 **Edsall** presented the following resolution which was seconded by Council Member **Gunza**.

WHEREAS, the Town Board of the Town of Highlands adopted a resolution on the 3rd day of May, 2014 ordering a public hearing to be held on the 19th day of May, 2014 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #2 of the Year 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;” and

WHEREAS, the Town Board has caused an Environmental Assessment Form (the “EAF”) to be prepared for the proposed adoption of Introductory Local Law #2 (the “Action”); and

WHEREAS, the Town Board has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law, and accordingly does not require a coordinated review; and

WHEREAS, the Town Board has heretofore reviewed the EAF together with any other supporting information, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board does determine that the adoption of Introductory Local Law #2 of the Year 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,” is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and does not require a coordinated review.

2. The Town Board does further determine that it is the single involved agency and as it is proposing to directly undertake the Action does further declare itself the lead agency for the purpose of conducting a review of this Action and determines that said Action will not have a significant adverse environmental impact and, therefore, does issue a negative declaration.

3. The Town Board hereby authorizes the Supervisor to execute and file the Environmental Assessment Form and Negative Declaration attached hereto in accordance with the applicable provisions of law.

4. The Town Clerk shall maintain the EAF, Negative Declaration and all other SEQR documents and notices pertaining to the Action on file and available to the public during regular business hours.

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 T. 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 May 19, 2014.

June Patterson, Town Clerk

RESOLUTION

OF

MAY 19, 2014

A RESOLUTION TO ADOPT
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 **Edsall** moved the following resolution which was seconded by Council Member **Gunza**.

WHEREAS, the Town Board of the Town of Highlands adopted a resolution on the 3rd day of May, 2014 ordering a public hearing to be held on the 19th day of May, 2014, at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #2 of the Year 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;” and

WHEREAS, a notice of Public Hearing was duly advertised on the 9th day of May, 2014 in The News of the Highlands and posted on the Town Clerk’s sign board on the 3rd day of May, 2014; and

WHEREAS, the Public Hearing was duly held on the 19th day of May, 2014 at 7:00 o'clock p.m., at Town Hall, 254 Main Street, Highland Falls, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

WHEREAS, the Town Board of the Town of Highlands has conducted an environmental review of the proposed adoption of the Local Law under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law (“SEQRA”) and has determined that said action will not have an adverse environmental impact and, accordingly, issued a negative declaration; and

WHEREAS, the Town Board of the Town of Highlands, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Highlands hereby adopts said Local Law #2 of the

Year 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.”

- 2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Highlands and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

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 T. 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 May 19, 2014.

June Patterson, Town Clerk

RESOLUTION

OF

MAY 19, 2014

A RESOLUTION TO AUTHORIZE
SUBMISSION OF GRANT APPLICATION
TO ORANGE COUNTY IN CONNECTION
WITH THE COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR 2015

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

WHEREAS, the Town of Highlands is reviewing potential projects for consideration of a Community Development Block Grant as administered by Orange County; and

WHEREAS, the Town of Highlands conducted a public hearing on the 19th day of May, 2014, to provide information to the public about the nature and type of eligible activities; and

WHEREAS, in connection with its submittal of the application the applicant municipality has elected to declare its endorsement in applying for such grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Highlands hereby does approve and endorse the application for a grant under the 2015 Community Development Block Grant Program; and

BE IT FURTHER RESOLVED, that, in the event of a grant award, the Town of Highlands Supervisor is hereby authorized to execute the requisite Grant Agreement for and on behalf of the Town of Highlands, and to deliver the executed Agreement to the County of Orange; and

BE IT FURTHER RESOLVED, that the Town of Highlands is hereby authorized to accept the grant funds in accordance with the terms of the Agreement; 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 Grant 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	Absent
June Gunza, Councilwoman	voting	Aye
Adrienne T. 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 May 19, 2014.

June Patterson, Town Clerk