

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, June 9th, 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
	James Stradley	----	Council Member
	Justin Rider	----	Counsel
	Lesley K Peterson	----	Deputy Town Clerk

Supervisor Livsey opened the meeting at 7:00pm.

PUBLIC COMMENT

Supervisor Livsey explained that he would not respond to cell tower issues at this time, as the subject is not on the agenda, but if there was enough time at the end of the meeting for General Comment he would allow it.

Town Attorney, Justin Rider, however, does respond to one resident asking if there will be a public hearing on the Cell Tower issue, his response was typically that if the board wants to go ahead with the leasing process then they would approach the Planning Board and that would in affect result in a Public Hearing.

MINUTES

Council Member Edsall made a motion seconded by Council Member Gunza to approve the minutes from the May 19, 2014 meeting.

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

COMMUNICATIONS

Supervisor Livsey addressed the cleanliness of Garrison Lake. The Supervisor said the lake needs two treatments one application has been completed already, but the other has to wait until we can guarantee there won't be any rain.

Supervisor Livsey announced that we are being sued concerning an accident that happened on 9W. The Supervisor said the information has been sent to the Town Attorney's office and there probably won't be any outcome from it.

Supervisor Livsey read two letters concerning the Cell Tower situation which he has made copies of and distributed to the Town Board.

Supervisor Livsey received correspondence from James I. O'Neill High School inviting him to the Commencement Ceremony, which he will be unable to attend. The Supervisor asked Council Member Voltaire if she could attend in his place and she said she'd be happy to.

FINANCIAL REPORTS, REQUEST & RESOLUTIONS

Budget Transfer:

Council Member Edsall made a motion seconded by Council Member Voltaire to move \$2100.00 from Water Hook-Up to Water District #2 Equipment.

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

Accounts Payable:

Supervisor Livsey said the Accounts Payable amount was \$234,455.38.

BOARD REPORTS

Council Member Voltaire

Council Member Voltaire announced that Grievance Day had taken place and that it was successful. Ms. Voltaire thanked Jean Talman, Town Assessor and her Assistant Lisa Borra for a job well done.

Council Member Voltaire briefly spoke that she has been trained to administer NARCAN, the drug that is given to people who have overdosed. Ms. Voltaire announced that all First Responders have these kits and she believes that our Police Officers should be trained and have these kits available to them.

Council Member Gunza:

Council Member Gunza reported that the Ambulance Corps has had 52 calls for the Month of May and there are two new hires that they will be announcing later in the meeting.

Council Member Gunza also spoke of a meeting between Supervisor Livsey, herself and David Church, representative from Orange County Planning Board. Mr. Church is offering his assistance in merging our Planning Boards.

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Council Member Gunza thanked the Police Department for doing a continuous fine job.

Council Member Stradley:

Council Member Stradley opened some discussion again on the NARCAN, asking how it is being administered.

Council Member Voltaire said there are two ways the Ambulance Corps has the nasal and she has a kit that is used Intra-muscularly.

Council Member Edsall:

Council Member Edsall announced that the new Sewer Treatment Plant Operator, Robert Held, will start this coming Monday, June 16.

Council Member Edsall commented on outstanding signage issues and said they were looking into some adjustments and hopefully they will be fulfilled soon with the Building Department.

Council Member Edsall read out loud a letter the building department received praising Bruce and John on their professionalism.

Supervisor Livsey asked if a copy of the letter could be placed in their personnel file.

Supervisors Report

Supervisor Livsey announced that there would be a "Wounded Warrior Regatta" again this year around July 12th. The Supervisor said it starts at Cortland and they will arrive in Fort Montgomery/Highland Falls around 11:30am. The Supervisor said that if anyone is interested in seeing this, they should come down to the Fort Montgomery Marina.

Supervisor Livsey announced that he met with David Church, from the Orange County Planning Commission who is willing to assist the Town in joining the Town and Village Planning Boards.

Town Attorney Justin Rider, said there needs to be more discussion on different codes etc.

UNFINISHED BUSINESS

Supervisor Livsey announced that there has been some discussion on the use of Mine Dock Park Area and Brooks Park by Kayak groups.

Brooks Park:

The Supervisor said the issue has arisen whether we should charge for permits. The Supervisor stated that Brooks Park is not owned by the Town of Highlands, it's owned by the Palisades Park Commission, so the general public are allowed to use that at any time. The Supervisor said if someone wishes to use the pavilion, then that has to be reserved, but at no charge.

Mine Dock Park:

Supervisor Livsey said that he has put together a draft of a special permit with guidance from Mr. Rider for the board to review. The Supervisor thinks it should be voted on, at the next meeting, after everyone has reviewed it.

Supervisor Livsey highlighted on the Bill for Peace Officers the board approved at the last meeting. The Supervisor said the Board needed to approve to put in the Bill before anything was voted on.

Supervisor Livsey asked for a motion supporting the Home Rule Request for Peace Officers within the Town of Highlands.

Council Member Edsall made a motion seconded by Council Member Gunza to support the Home Rule request for Peace Officers in the Town of Highlands.

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

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

GENERAL BUSINESS

HUD Grant Contract:

Supervisor Livsey requested permission to sign a contract to allow HUD Grants to be issued to the Town.

Council Member Voltaire made a motion seconded by Council Member Stradley to allow Supervisor Livsey to sign a contract allowing HUD Grants to be issued to the Town.

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

Standard Workday Resolution:

Supervisor Livsey announced a Standard Work Day and Reporting Resolution, which shows people within the retirement system. Supervisor Livsey asked for a motion.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the Standard Work Day and Reporting Resolution.

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

Recreation Agreement:

Supervisor Livsey received a letter from Mayor Flynn and the Village Board requesting that the Town Board review the old Recreation Agreement from 1982. The Supervisor said the Village would like to get together with the Town and come up with a new agreement.

Supervisor Livsey read a letter supporting the Village, asking for money regarding the Senior Center. Supervisor Livsey asked for a motion to sign the letter and send it.

Council Member Edsall made a motion seconded by Council Member Stradley to allow Supervisor Livsey to sign a letter regarding the Senior Center Funding

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

Veteran Entrepreneurship:

Supervisor Livsey announced that Charlie Murphy, Village Trustee, is asking for a letter of support to get Grant money encouraging Veteran Entrepreneurship on Main St in Highland Falls. The Supervisor believes this is a great program to revitalize our community.

Council Member Gunza made a motion seconded by Council Member Edsall to write a letter supporting the Veteran Entrepreneurship Program.

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

EMT:

Supervisor Livsey has a request from Capt. Stoppel to hire Joshua Wendell and Kristina Engelise as part-time EMTs for the pool. The Supervisor stated that these individuals have been approved by the County. The Supervisor said their starting salary would be \$14.79 and they would be subject to a one year probation period.

Council Member Gunza made a motion seconded by Council Member Edsall to hire Joshua Wendell and Kristina Engelise as part-time EMTs at \$14.79 per hour and one year probation.

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

EFC Bonding:

Supervisor Livsey asked the Town Attorney, Justin Rider, to read EFC Bonding Post Issuance Procedure Resolution and to explain it a little.

Mr. Rider said that a couple of meetings ago he was authorized to refinance the debt with the EFC on Water District #2 Project. Mr. Rider stated that one of the requirements of the EFC Bond Council is that you have internal control procedures post issuance compliance controls. The Resolution is put in place to adopt those procedures.

Supervisor Livsey asks for a motion to move the Resolution.

Council Member Edsall makes a motion seconded by Council Member Gunza to adopt the EFC Bonding Post Issuance Procedure Resolution.

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

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

Supervisor Livsey asks if the Board has anything else, then addresses the Public telling them that the floor is open to General Public Comment, however, we will not be voting on Cell Towers this evening. When that time comes we will let the public know in advance.

PUBLIC COMMENT

Anthony Camp, Fort Montgomery, said he believes cell phones are not just a luxury and he is in favor of the cell phone towers.

Holly Gokey, Fort Montgomery, said there is 92% of vacant government land and asked why that isn't being considered. Ms. Gokey said the Town is considering putting a tower on sellable property. Ms. Gokey said the real concern is 293 where there is no service. Ms. Gokey said she is against putting a cell tower on Town property.

Marty Worker, Fort Montgomery, said he has a large piece of property at the top of Canterbury Road in Fort Montgomery that the cell tower could be placed on.

Supervisor Livsey expresses that we are all members of the same community. The Supervisor said he has a business in Fort Montgomery so it affects him as a resident as well as the Supervisor.

Wayne Kocher, Fort Montgomery explains that he has researched several years on the damages from cell towers and their transmitters, has studied cases proven to give cancerous tumors to people from the use of cell phones.

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Ned Kopald Highland Falls and property owner in Fort Montgomery believes the Cell Tower placement would immediately diminish value of land.

Mike Colacicco, Fort Montgomery, asked if Homeland Towers adequately asked the military and Palisades Park Commission for space on their land.

Supervisor Livsey states that if anyone asks the Board Members right now how they would vote on the cell tower issue, he said they would all more or likely abstain, including himself. The residents need to know the Board is doing their homework and not rushing in to anything.

Deborah Kopald, Fort Montgomery, said most of the important issues were highlighted here tonight regarding the cell towers. Ms. Kopald went into a lengthy discussion on how the same issues are appearing regarding the Zoning and Planning Boards and that she believes there is a significant gap on route 293 where there needs to be sufficient service for emergency services. Ms. Kopald continued with various concerns about placing the tower within the Town due to it being mostly residential and highlighted on some of the medical issues that may occur from these transmitters.

EXECUTIVE SESSION

Supervisor Livsey made a motion seconded by Council Member Edsall to go into Executive Session to discuss Recreation Personnel, Ambulance Billing, Ambulance Personal Vehicle damage and Cell Tower Discussion. Board went into executive session at 8:20pm

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

Council Member Edsall made a motion seconded by Council Member Voltaire to close the executive session. Executive session closed at 9:30pm.

ADJOURN

Council Member Stradley made a motion seconded by Council Member Voltaire to adjourn the meeting. Meeting adjourned at 9:31.

Attest,

RESOLUTION

OF

JUNE 9, 2014

A RESOLUTION OF THE TOWN BOARD
APPROVING A HOME RULE REQUEST FOR AN ACT
TO AMEND THE CRIMINAL PROCEDURE LAW TO GRANT
PEACE OFFICER STATUS TO COURT ATTENDANTS
IN THE TOWN OF HIGHLANDS

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

WHEREAS, the Town Board of the Town of Highlands wishes to request the Hon. James Skoufis, Assemblyman for the 99TH District and the Hon. William J. Larkin, Jr., Senator for the 39TH District to introduce legislation which would grant peace officer status to court attendants in the Town of Highlands; and

WHEREAS, Home Rule Requests must be submitted to the Assembly and/or Senate for the enactment of such Special Law; and

WHEREAS, the Town Board of the Town of Highlands wishes to make Home Rule Requests for enactment of New York State Assembly and Senate Bills pertaining to an Act granting peace officer status to court attendants in the Town of Highlands.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby requests the Hon. James Skoufis, Assemblyman for the 99TH District and the Hon. William J. Larkin, Jr., Senator for the 39TH District, to introduce an Act granting peace officer status to court attendants in the Town of Highlands and to take such other action as may be necessary to secure the enactment of such special law; and

BE IT FURTHER RESOLVED that the Town Board hereby approves Home Rule Requests to the New York State Assembly and the New York State Senate for enactment of such special law; and

BE IT FURTHER RESOLVED, that the Supervisor and the Town Clerk of the Town of Highlands 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 foregoing resolution; and

BE IT FURTHER RESOLVED, that this 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	Aye
June Gunza, Councilwoman	voting	Aye
Adrienne Voltaire, Councilwoman	voting	Abstain
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 June 9, 2014.

June Patterson, Town Clerk

RESOLUTION

OF

JUNE 9, 2014

A RESOLUTION ADOPTING PROCEDURES FOR
POST-ISSUANCE COMPLIANCE
WITH FEDERAL TAX LAW

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

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 of the Town of Highlands on behalf of Water District #2 did authorize long term financing as offered by the EFC for the fully expended funds in the amount of \$1,194,716.00; and

WHEREAS, State and local governments that borrow money on a tax exempt basis, as contemplated by the long term financing must establish written procedures to comply with applicable laws, rules and regulations; and

WHEREAS, the Town Board believes it is in the public interest to establish internal control procedures for post-issuance compliance with Federal tax law in accordance with the procedures attached hereto and made a part hereof as Exhibit A (the "Procedures"); and

WHEREAS, the Town Board is responsible for safeguarding the assets of the Town and for compliance with laws and regulations; and

WHEREAS, the adoption of said policy is a local legislative decision in connection with continuing agency administration and management, and does not include new programs or major reordering of priorities that may affect the environment, and accordingly is a Type II Action under the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands, Orange County, New York does adopt the Procedures attached hereto and made a part hereof at Exhibit A; 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	Aye
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 June 9, 2014.

June Patterson, Town Clerk