

## **TOWN BOARD**

The Town Board, Town of Highlands, held a budget workshop and regular meeting on Monday, August 25, 2014 at Town Hall, 254 Main Street, Highland Falls, NY at 6:00pm.

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
	Kelly Blauvelt	----	Comptroller
	June Patterson	----	Town Clerk

Supervisor Livsey opened the budget workshop at 6:00pm.

### **HIGHWAY/SANITATION**

#### **Sanitation:**

Mr. Patterson reviewed this budget with Ms. Blauvelt and the Board.

Mr. Patterson explained about the equipment he would need and the vehicle he needed to replace.

Supervisor Livsey asked about the reserve fund for the new truck.

Ms. Blauvelt stated that there was \$84,000 in the Sanitation Vehicle Reserve Fund.

The Board discussed this reserve fund.

Council Member Edsall said he would like to put money in that reserve fund.

The Board discussed the vehicles and replacements.

Supervisor Livsey mentioned moving the \$185,000 out of the equipment line and putting it in the reserve fund.

Council Member Voltarie asked about the General Reserve fund.

Ms. Blauvelt said the Board uses that as needed and it is an A fund reserve so it could be used for sanitation.

**Vehicle Maintenance:**

Mr. Patterson said he raised this budget because it is short this year.

The Board discussed raising the dumpster fees.

**Snow Removal:**

Mr. Patterson informed the Board that the cost of salt has increased by 23% this year.

The budget was reviewed.

**Machine Repair:**

This line has changed a little.

**Grass Cutting:**

Mr. Patterson said he raised this a little, to add more cuts per season, because complaints were being made about the condition of the cemeteries.

**Cell Phone:**

Ms. Blauvelt informed Mr. Patterson that this line would be reduced to \$600 because of the new stipend.

**Garage Utilities:**

The Board reviewed this budget.

**General Repairs – Parks:**

Council Member Gunza questioned the \$1,100 spent out of the \$5,000 budgeted.

Mr. Patterson explained there were things that still needed to be done this year.

The Board discussed the grass cutting and the cost of it.

The Board discussed Cemetery Revenues and Reserve Funds.

**Garrison Pond:**

Ms. Blauvelt said that stayed the same.

**Supt. of Highways Part-Town:**

The Board reviewed this budget.

Council Member Voltaire asked about nothing being spent out of the Other Expenses.

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Mr. Patterson said there is still paving and other work to be done this year.

The Board discussed re-curbing Franklin Street.

**CHIPS:**

Mr. Patterson said this has gone up a little.

**WATER DISTRICT #1**

The Board reviewed this budget.

Ms. Blauvelt explained that \$10,000 has been put into the budget for a laptop and software to read the water meters. Ms. Blauvelt said Water District #1 and #2 are sharing this cost.

Ms. Blauvelt said she will do the revenue after she does the benefits.

**WATER DISTRICT #2**

This budget was reviewed.

Mr. Patterson explained some repairs that need to be made.

Ms. Blauvelt said once she puts in the benefits, she will be able to tell how much the points will be for water and sewer.

**LIGHT DISTRICT**

The Board reviewed this budget.

Ms. Blauvelt said the street lights in Fort Montgomery are up a little.

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**REGULAR MEETING**

**PUBLIC COMMENT**

Annie Scott stated that if cell towers are going to be put up, the municipality should benefit from them.

**MINUTES**

Council Member Edsall made a motion seconded by Council Member Voltaire to approve the minutes from the August 11, 2014 Town Board meeting.

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

Council Member Edsall made a motion seconded by Council Member Gunza to approve the minutes from the August 18, 2014 Budget meeting.

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

**COMMUNICATIONS**

Supervisor Livsey received the paperwork closing out the short-term financing for Water District #2.

Mr. Rider advised the Supervisor to give that information to the Clerk and Comptroller.

Supervisor Livsey said he received the franchise fee from Time Warner Cable in the amount of \$15,294. The Supervisor said this is received twice a year.

Supervisor Livsey said there was an error in the newspaper. The Supervisor said the ambulance budget went up \$36,000 not \$126,000.

Supervisor Livsey said he received an invitation, from Vision, for the Board to attend the 9/11 Ceremony at Patriot Garden.

Supervisor Livsey shared information he received to call 911 in case of emergency in the Town of Highlands.

**FINANCIAL REPORTS, REQUESTS AND RESOLUTIONS**

Supervisor Livsey said the total paid was \$44,466.26 with \$851 being paid from Water District 2.

**BOARD REPORTS**

**Council Member Voltaire:**

Council Member Voltaire stated the walk through at the Highland Falls Elementary was cancelled and she will inform the Board as soon as it is rescheduled.

**Council Member Gunza:**

Council Member Gunza reported that the ambulance bids have gone out and are advertised. Ms. Gunza said the one ambulance is now in Florida and the company will be called at the end of the week if nothing is heard.

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Council Member Gunza said Capt. Stroppel has asked about taking credit cards for payments.

Council Member Gunza said she and Council Member Voltaire will meet to discuss the PBA contract.

### **Council Member Stradley:**

Council Member Stradley had nothing to report.

### **Council Member Edsall:**

Council Member Edsall said he sent an email to David Church stating that the Town is interested in his help to consolidate the Planning Boards and to consolidate the Codes.

## **SUPERVISOR'S REPORT**

Supervisor Livsey stated that he met with the new Garrison Commander and he was very nice. The Supervisor said he explained to him how the Towns, Cities and Villages work in New York. The Supervisor said it was a good meeting. The Supervisor also stated that the Garrison Commander plans to have a Community Relations meeting in September.

## **UNFINISHED BUSINESS**

### **Homeland Towers:**

Mr. Rider said there are representatives from Homeland Towers here tonight. Mr. Rider stated that two leases were put together with the only difference, besides the address, being the price. Mr. Rider said the resolutions grant the option for a lease, but Homeland Towers will need to go through the proper channels/processes.

Council Member Voltaire asked if Emergency Services were still part of the deal.

Mr. Xavier, Homeland Towers, stated that the top of the towers are reserved for emergency services.

Mr. Xavier said he has shown the Board how the properties would look, prepared the lease according to the Board and now he would like the Board to decide if they are interested in going forward with this.

Supervisor Livsey said the Board will be voting tonight.

Mr. Rider said both resolutions are subject to permissive referendum.

Mr. Worker offered his property as another option.

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Annie Scott asked if the people in this community would benefit from these towers.

Mr. Xavier stated that, along with the monetary benefit, the Emergency Services will be able to use the towers. Mr. Xavier said the goal is to get coverage from Bear Mountain to West Point.

Council Member Edsall questioned the aesthetics.

Mr. Xavier said the Planning Board usually dictates how the towers will look, but the Board can do that as the owner of the property.

**Resolution 131 Firefighter's Memorial Drive:**

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution to authorize the Town of Highlands to enter into a lease agreement for transmission and reception of radio communications between the Town of Highlands and Homeland Towers, LLC: 131 Firefighter's Memorial Drive.

**RESOLUTION DEFEATED:     2-eyes (Edsall, Stradley)  
                                      3-nays (Livsey, Gunza, Voltaire)**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

**Resolution 1530 Route 9W:**

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution to authorize the Town of Highlands to enter into a lease agreement for transmission and reception of radio communications between the Town of Highlands and Homeland Towers, LLC: 1530 Route 9W.

**RESOLUTION ADOPTED:     3-eyes (Edsall, Stradley, Voltaire)  
                                      2-nays (Livsey, Gunza)**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

**GENERAL BUSINESS**

**Sewer Department Resignation:**

Council Member Edsall made a motion seconded by Council Member Voltaire to accept the resignation of Doug Willis as Sewer Treatment Plant Operator.

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

**Police Resignation:**

Council Member Gunza made a motion seconded by Council Member Voltaire to accept the resignation of David Schassler as Part-time Police Officer.

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

**Bull Hill Tower Lease:**

Supervisor Livsey said this lease was brought up at the last meeting. The Supervisor said the lease does not mention the \$10,000 fee, so he would like to sign it.

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution authorizing the Town of Highlands to enter into a First Amendment to the existing Bull Hill Tower License Agreement dated July 15, 2009 between the Town of Highlands and the Department of the Army.

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

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

**Select Telecom Contract:**

Supervisor Livsey said he received a contract for the new phone system. The Supervisor said the cost for the year is \$1,278 and he doesn't believe it is necessary.

**Municipal Park to Village:**

Supervisor Livsey said he is a little confused on what the Mayor wants the Town to do so he is going to table this issue for another meeting.

**Recreation Advisory Committee:**

Supervisor Livsey said he prepared Rules and Regulations for the Recreation Advisory Committee and provided them to the Board. The Supervisor asked Council Member Stradley to contact the previous Commission Members and ask if they would be interested in being on this Committee.

The Board said they had not received this information.

Supervisor Livsey said he would table it for tonight since the Board never received it.

Council Member Gunza said it went out by email on August 18.

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### Ambulance:

Capt. Stroppel said he spoke to the Ambulance Company that has our ambulance and they are working on the rust and trying to get a plan of action for the door.

Capt. Stroppel said he is concerned with the lack of cell phone service.

Capt. Stroppel said he did not know about the fund balance and if he had known he would never had brought up a re-mount.

Council Member Gunza said she doesn't believe that money is all available.

Supervisor Livsey said that money is not a slush fund, it is not part of the budget and it is not meant to be spent on an item that was not budgeted for.

### Misc.:

Supervisor Livsey said there is a Sergeant First Class that works in Keller Emergency Room that is interested in doing community service. The Supervisor recommended she contact Ann Molina at the Center and maybe also Vision.

## EXECUTIVE SESSION

Supervisor Livsey made a motion seconded by Council Member Edsall to go into executive session to discuss Police Personnel.

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

Council Member Stradley made a motion seconded by Council Member Gunza to close the executive session. Executive session closed at 8:50.

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

## ADJOURN

Council Member Voltaire made a motion seconded by Council Member Edsall to adjourn the meeting. Meeting adjourned at 8:51pm.

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

RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

OF

AUGUST 25, 2014

A RESOLUTION TO AUTHORIZE  
THE TOWN OF HIGHLANDS TO  
ENTER INTO A LEASE AGREEMENT  
FOR TRANSMISSION AND RECEPTION OF  
RADIO COMMUNICATIONS  
BETWEEN THE TOWN OF HIGHLANDS  
AND  
HOMELAND TOWERS, LLC:  
131 FIREFIGHTERS MEMORIAL DRIVE

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

WHEREAS, the Town of Highlands has negotiated an Option and Ground Lease Agreement, between the Town of Highlands and Homeland Towers, LLC, for the transmission and reception of radio communications at 131 Firefighters Memorial Drive, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Town Board does not consider the land subject to the lease to be necessary for any municipal purpose; and

WHEREAS, the Town Board has determined the rental amounts represent fair and adequate consideration for the conveyance of any leasehold interest in the subject property,

WHEREAS, the Town Board deems it to be in the public interest for the Town of Highlands to enter into the Option and Ground Lease Agreement, subject to the zoning requirements of the host municipality.

NOW, THEREFORE, BE IT RESOLVED; that the Supervisor be and he hereby is authorized and directed to execute the Option and Ground Lease Agreement substantially in the form presented to the Board and attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Option and Ground Lease are subject to the zoning requirements of the host municipality; 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, 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 Option and Ground Lease Agreement; and

BE IT FURTHER RESOLVED, that, pursuant to Sections 82 and 90 of the Town Law, within ten (10) days from the date of this resolution the Town Clerk shall prepare a notice which shall set forth the date of the adoption of this resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the official newspaper of the Town, and in addition thereto, that the Town Clerk shall post or cause to be posted on the signboard of the Town of Highlands a copy of such notice within ten (10) days after the date of the adoption of this resolution.

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>Aye</b>
June Gunza, Councilwoman	voting	<b>Nay</b>
Adrienne Voltaire, Councilwoman	voting	<b>Nay</b>
William Edsall, Councilman	voting	<b>Aye</b>
Mervin R. Livsey, Supervisor	voting	<b>Nay</b>

This foregoing resolution was duly made, seconded, but NOT adopted at a regular meeting of the Town Board, Town of Highlands, on August 25, 2014.

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June Patterson, Town Clerk

RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

OF

AUGUST 25, 2014

A RESOLUTION TO AUTHORIZE  
THE TOWN OF HIGHLANDS TO  
ENTER INTO A LEASE AGREEMENT  
FOR TRANSMISSION AND RECEPTION OF  
RADIO COMMUNICATIONS  
BETWEEN THE TOWN OF HIGHLANDS  
AND  
HOMELAND TOWERS, LLC:  
1530 ROUTE 9W

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

WHEREAS, the Town of Highlands has negotiated an Option and Ground Lease Agreement, between the Town of Highlands and Homeland Towers, LLC, for the transmission and reception of radio communications at 1530 Route 9W, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Town Board does not consider the land subject to the lease to be necessary for any municipal purpose; and

WHEREAS, the Town Board has determined the rental amounts represent fair and adequate consideration for the conveyance of any leasehold interest in the subject property,

WHEREAS, the Town Board deems it to be in the public interest for the Town of Highlands to enter into the Option and Ground Lease Agreement, subject to the zoning requirements of the host municipality.

NOW, THEREFORE, BE IT RESOLVED; that the Supervisor be and he hereby is authorized and directed to execute the Option and Ground Lease Agreement substantially in the form presented to the Board and attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Option and Ground Lease are subject to the zoning requirements of the host municipality; 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, 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 Option and Ground Lease Agreement; and

BE IT FURTHER RESOLVED, that, pursuant to Sections 82 and 90 of the Town Law, within ten (10) days from the date of this resolution the Town Clerk shall prepare a notice which shall set forth the date of the adoption of this resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the official newspaper of the Town, and in addition thereto, that the Town Clerk shall post or cause to be posted on the signboard of the Town of Highlands a copy of such notice within ten (10) days after the date of the adoption of this resolution.

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>Aye</b>
June Gunza, Councilwoman	voting	<b>Nay</b>
Adrienne Voltaire, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Aye</b>
Mervin R. Livsey, Supervisor	voting	<b>Nay</b>

The foregoing resolution was duly made, seconded and adopted at a regular meeting of the Town Board, Town of Highlands, on August 25, 2014.

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June Patterson, Town Clerk

RESOLUTION

OF

AUGUST 25, 2014

A RESOLUTION TO AUTHORIZE  
THE TOWN OF HIGHLANDS TO  
ENTER INTO A FIRST AMENDMENT TO  
THE EXISTING BULL HILL TOWER LICENSE AGREEMENT  
DATED JULY 15, 2009  
BETWEEN THE TOWN OF HIGHLANDS  
AND  
THE DEPARTMENT OF THE ARMY

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

WHEREAS, the Town of Highlands has negotiated a First Amendment to the terms and conditions of the existing Bull Hill Tower License Agreement dated July 15, 2009, between the Town of Highlands and the Department of the Army (hereinafter the "Tower License") which will extend the term of the License by five years; and

WHEREAS, the Town Board deems it to be in the public interest for the Town of Highlands to enter into the amendment to the Tower License for the benefit of the town communications systems.

NOW, THEREFORE, BE IT RESOLVED; that the Supervisor be and he hereby is authorized and directed to execute the First Amendment to the Tower License Agreement substantially in the form presented to the Board and attached hereto as Exhibit A; 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, 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 First Amendment to the Bull Hill Tower License 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	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Adrienne Voltaire, 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 August 25, 2014.

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June Patterson, Town Clerk