

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on December 22, 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

Supervisor Livsey opened the meeting at 7:00pm.

PUBLIC COMMENT

Chris Byrnes said that he heard some Board members might think an ambulance is not needed.

Supervisor Livsey stated that that information was not true.

Mr. Byrnes said the cheapest is not always the best. Mr. Byrnes stated that a new ambulance is needed and he would like the Board to consider awarding the bid to PL Customs because they have history with the Town and they are reliable.

Capt. Stroppel said it is getting to the critical point and he informed the Board that the door on the one ambulance broke today.

Council Member Gunza said she has heard many rumors about replacing, or not replacing, the ambulance. Ms. Gunza said it was necessary to bid twice and the Board and the Ambulance Corps need to work together.

MINUTES

Council Member Stradley made a motion seconded by Council Member Edsall to accept the minutes from the December 8, Town Board meeting.

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

COMMUNICATIONS

Supervisor Livsey said he received a letter from the State Department stating the Town was within the allowable limit for the tax levy.

Supervisor Livsey received a nomination form from the Human Rights Commission for their awards program. The Supervisor said the form will be with the Town Clerk if anyone has someone they want to nominate.

FINANCIAL REPORTS, RESOLUTIONS & REQUESTS

Accounts Payable:

Supervisor Livsey said the total amount paid was \$400,335.73.

Budget Transfers:

Council Member Edsall made a motion seconded by Council Member Voltaire to transfer \$90 from Building Dept. Other Exp.to Building Dept. Training.

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

Council Member Edsall made a motion seconded by Council Member Stradley to transfer \$300 from Tax Receiver Postage to Tax Receiver Personal Services.

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

Council Member Edsall made a motion seconded by Council Member Stradley to transfer \$433 from Tax Receiver Other Exp. to Tax Receiver Personal Services.

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

Council Member Edsall made a motion seconded by Council Member Voltaire to transfer \$1,300 from Dog Control Personal Services to Dog Control Other Exp.

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

Council Member Edsall made a motion seconded by Council Member Stradley to transfer \$500 from Contingent Acct. to Legal Services.

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

Council Member Edsall made a motion seconded by Council Member Stradley to transfer \$200 from Police Retirement to MTA Tax.

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

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Council Member Edsall made a motion seconded by Council Member Stradley to transfer \$3,000 from Police Retirement to Police FICA.

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

Council Member Edsall made a motion seconded by Council Member Voltaire to transfer \$250 from Snow Removal Materials to DA Fund – FICA.

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

Council Member Stradley made a motion seconded by Council Member Edsall to transfer \$175 from Water District 1 Equipment to Water District 1 Personal Services.

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

Council Member Stradley made a motion seconded by Council Member Edsall to transfer \$1,000 from Sewer Equipment to Sewer Misc.

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

Council Member Edsall made a motion seconded by Council Member Voltaire to transfer \$3,000 from Sewer Equipment to Sewer Contracted Services.

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

Council Member Edsall made a motion seconded by Council Member Voltaire to transfer \$200 from Police Fuel to Police Training.

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

BOARD REPORTS

Council Member Edsall:

Council Member Edsall reported that Erik Smith and John Hager met with David Church, from Orange County, and they are planning a joint meeting of the Planning Board on December 29.

Council Member Stradley:

Council Member Stradley had nothing to report.

Council Member Gunza:

Council Member Gunza said that later in the meeting the Board will be discussing hiring two Court Attendants and a Clerk for the Police Department.

Council Member Gunza thanked all the Emergency Service workers and stated that her heart goes out to the families of the two executed Police Officers in New York City.

Council Member Voltaire:

Council Member Voltaire had nothing to report.

ATTORNEY'S REPORT

Mr. Rider said he has a resolution for Eminent Domain that is not on the agenda.

Supervisor Livsey said it will be addressed later in the meeting.

Chief Quinn:

Chief Quinn reported that, with the money the Police Department raised during "No Shave November", Christmas presents were purchased for a needy family in Fort Montgomery.

SUPERVISOR'S REPORT

Supervisor Livsey reported that the Community Christmas Dinner will be held at the Sacred Heart gym.

Mr. Byrnes said the dinner will be on December 25 from 12-2pm and anyone needing home delivery can contact him at 845-742-0196.

GENERAL BUSINESS

Ambulance Bids:

Supervisor Livsey said the bids for the new ambulance were opened on December 19 at 1pm. The Supervisor said there were two bids received and he read the results for the public. The Supervisor stated he thinks the Board is ready to accept the low bid, but asked Mr. Rider if there was any way not to take the low bid.

Mr. Rider stated that General Municipal Law requires that the Town accept the lowest, responsible bidder.

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Council Member Voltaire made a motion seconded by Council Member Edsall to accept the bid from Osage for a Ford, gas powered ambulance.

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

Supervisor Livsey said, by accepting this bid, it will save the Town approximately \$15,000. The Supervisor asked Mr. Rider to help with the contract.

Resolution – National Development Counsel:

Supervisor Livsey has a resolution supporting Municipal Cooperation on sewer infrastructure. The Supervisor said the average home in Fort Montgomery pays \$1.00 a day for sewer and if it is proven that it would be cheaper the Town would get in. The Supervisor said the resolution simply states that it is a good idea, but the Town wants to see more information before agreeing to anything.

Mr. Rider said more information is needed before the Town gets involved.

Supervisor Livsey said if this is something that benefits the Town of Highlands then it is a good deal.

Council Member Gunza made a motion seconded by Council Member Voltaire to adopt the resolution supporting Intermunicipal Cooperation on Sewer Infrastructure.

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

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

Resolution – O&R Rate Increase:

Supervisor Livsey has a resolution opposing the proposed Orange and Rockland utilities rate increase.

Council Member Stradley made a motion seconded by Council Member Voltaire to adopt the resolution opposing the proposed Orange & Rockland utilities rate increase.

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

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

Resolution – Hudson River PCB Clean-Up:

Supervisor Livsey has a resolution supporting the removal of PCBs from the Hudson River.

Council Member Voltaire explained that she received an email asking for the Town's support for the continued clean-up of PCBs.

Council Member Voltaire made a motion seconded by Council Member Gunza to adopt the resolution supporting the removal of PCBs from the Hudson River.

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

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

Court Attendants:

Supervisor Livsey said that he, Council Member Gunza and Chief Quinn interviewed candidates for the Court Attendant position.

Chief Quinn said he has lost two Court Attendants recently and needs to replace them. The Chief said he received two applications from two very qualified individuals.

Council Member Gunza said they are qualified and interested in working.

Council Member Edsall made a motion seconded by Council Member Stradley to appoint Katherine Brusco and Gary Iodice as Court Attendants.

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

Police Dept. Clerk:

Chief Quinn said he learned that one of the Court Clerks job was ending at the end of the year and he would like to hire her as a part-time Clerk for the Police Dept. The Chief said that Det. Russell has a new job and works very few, if any, hours a pay period. The Chief further stated that the money being saved not paying Det. Russell could pay the Clerk with money left. The Chief said that, because of her experience with the Court, it would bridge the gap between the Police Dept. and Court.

Council Member Voltaire asked if Det. Russell would be staying on for training.

Chief Quinn said he would be a paper employee.

Council Member Edsall asked if the Chief planned on replacing Det. Russell.

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Chief Quinn said he would not be replacing him.

Council Member Voltaire said she thinks it is a wonderful idea.

Council Member Stradley made a motion seconded by Council Member Voltaire to hire Fran Brunwasser as a part-time Police Department Clerk at the current salary and maximum probation.

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

ANY OTHER BUSINESS

Resolution – Eminent Domain Procedure

Supervisor Livsey said there is one more easement that needs to be obtained before the water expansion project can be completed. The Supervisor said he hasn't been able to get this yet and it is time to begin Eminent Domain Procedures against the property owner. The Supervisor said the project cannot go out to bid until this last easement is obtained.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution authorizing commencement of Eminent Domain Proceedings relating to an easement required for extension of the Public Water Supply Distribution System of the Town of Highlands Water District #2.

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

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

Ms. Blauvelt asked for clarification on the Court Attendant's salary.

Supervisor Livsey said they will be paid at the current salary with the maximum probation period.

Supervisor Livsey said Joe D'Onofrio called him and said no one showed up at the Nutrition Center today or Friday. The Supervisor said, when Orange County was called, they said people had called out of work.

Supervisor Livsey said he has asked for a courtesy of the Senior Center and he will be doing that after the first of the year.

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PUBLIC COMMENT

Supervisor Livsey stated that he believes Mr. Byrnes was out of line. The Supervisor said the Board has to go by what is in front of them and they accepted the bid that had to be accepted. The Supervisor thanked the Board for doing the right thing.

Supervisor Livsey thanked the Board for all their work and cooperation.

Supervisor Livsey and the Town Board wished everyone Merry Christmas, Happy Holidays and a Happy New Year.

ADJOURN

Council Member Voltaire made a motion seconded by Council Member Gunza to adjourn their meeting. Meeting adjourned at 8:00pm.

Attest,

RESOLUTION

OF

DECEMBER 22, 2014

A RESOLUTION SUPPORTING INTERMUNICIPAL
COOPERATION ON SEWER INFRASTRUCTURE

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

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal corporations to enter into agreements for the performance among themselves on a cooperative or contract basis for the provision of joint services, including, but not limited to, joint sewer projects and any other municipal service, activity, project or undertaking; and

WHEREAS, the United States Military Academy, the Department of the Army and/or the Department of Defense (collectively, “West Point”) may have an interest in an intermunicipal sewer system and interconnections; and

WHEREAS, the Town of Highlands (the “Town”), Village of Highland Falls (the “Village”) and West Point all own and operate separate sewer systems; and

WHEREAS, the Town and Village through their technical meetings and discussions have identified possible synergies that may be benefitted by intermunicipal cooperation.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Highlands hereby:

1. Supports each of the local communities in seeking responsible management of sewage and wastewater, including potential intermunicipal and cooperative methodologies, and
2. Will work with the Village of Highland Falls and or West Point in contemplation of an intermunicipal agreement or agreements to address the communities sewer needs; and
3. Supports the efforts of the Village of Highland Falls in advancing the concepts surrounding the soliciting, awarding and engaging of professional engineering, development and financial firms for the potential construction and operation of a wastewater facility to serve the community.

BE IF 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 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 December 22, 2014.

June Patterson, Town Clerk

RESOLUTION

OF

DECEMBER 22, 2014

A RESOLUTION OPPOSING THE PROPOSED
ORANGE & ROCKLAND UTILITIES RATE INCREASES

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

WHEREAS, Orange & Rockland Utilities, Inc. (“O&R”) filed electric and natural gas base rate increase proposals with the New York State Public Service Commission (“PSC”). If approved by the PSC, these rates would become effective on November 1, 2015; and

WHEREAS, customers in a typical home are experiencing increases in their electric and natural gas bills at a time when many are continuing to experience extraordinary financial hardships; and

WHEREAS, O&R’s area of service includes the Town of Highlands and the rate increases will cause unnecessary hardship for numerous residents of the Town, particularly those with fixed or limited incomes, as well as placing an additional financial burden on the Town’s taxpayers as the Town’s own facilities are served by O&R and discouraging economic development; and

WHEREAS, the proposed rate increases will additionally place further economic strains on small businesses and employers in the Town of Highlands; and

WHEREAS, upon consideration, the Town Board finds that such rate increases place an undue financial burden on residents, businesses and local governments, including the Town of Highlands, and discourage further industrial and commercial development in our region.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands in its capacity as governing body of the Town, does hereby oppose the rate increases for supply of electricity and natural gas which O&R has applied for with the PSC; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be delivered to the Hon. Jaclyn A. Billing, Secretary, New York State Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350, the Hon. William J. Larkin, Jr., Senator for the 39th District, and the Hon. James Skoufis, Assemblyman for the 99th District, by the Town Clerk and to the chief executives of surrounding municipalities served by O&R; and

BE IF 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 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

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June Patterson, Town Clerk

RESOLUTION

OF

DECEMBER 22, 2014

A RESOLUTION SUPPORTING THE REMOVAL OF PCBs
FROM THE HUDSON RIVER

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

WHEREAS, the Town of Highlands is adjacent to the Hudson River, and the health and beauty of the Hudson River is critical to the economic vitality of the Town; and

WHEREAS, nearly two hundred miles of the Hudson River, including the area adjacent to the Town of Highlands, are a federal Superfund site due to large quantities of polychlorinated biphenyls (PCBs) in the water, which the Environmental Protection Agency (EPA) has determined came from two manufacturing plants owned by the General Electric Company (GE); and

WHEREAS, PCBs are manmade, bioaccumulative, persistent organic pollutants, which the EPA has stated are demonstrated to cause a variety of adverse health effects; and

WHEREAS, in addition to posing ongoing health concerns, the continued presence of PCBs in the Hudson River has terminated or significantly damaged a number of economic industries, and has also diminished the use and enjoyment of those who currently use the River; and

WHEREAS, the EPA's 2002 Record of Decision for the Hudson River Site stated that environmental dredging and off-site disposal of PCB-contaminated sediment from the Upper Hudson River was the best river sediment remedy to reestablish the ecological and economic health of the Hudson River; and

WHEREAS, since July of 2002, GE has agreed to a series of administrative orders of consent and has entered into a consent decree with EPA, in which it has agreed to perform activities needed for implementation of the selected remedial action; and

WHEREAS, GE commenced the first phase of remedial dredging in 2009, and the second and final phase in 2011; and

WHEREAS, despite this, in 2011, the U.S. National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service published reports identifying a number of problems with the 2002 river sediment remedy as implemented; and

WHEREAS, GE anticipates it will complete its dredging operations in 2015, but the Town fears that the current scope of planned dredging will not restore the Hudson River to its former health; and

WHEREAS, remaining PCB contamination within the river and the floodplains inhibits and will continue to inhibit private and public growth, development, and recreational and business opportunities along the shores of the Hudson River, including the Town of Highlands; and

WHEREAS, a robust cleanup of the Hudson that addresses contaminated sediments overlooked by the 2002 Record of Decision as well as other contaminated areas within and around the Hudson River is required;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands in its capacity as governing body of the Town, does hereby support a more thorough removal of PCBs from the Hudson River in order to restore the River to its full health and value as a natural and economic resource; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be delivered to: the Hon. William J. Larkin, Jr., Senator for the 39th District, and the Hon. James Skoufis, Assemblyman for the 99th District, by the Town Clerk; Jeffrey Immelt, Chairman and CEO of General Electric Corporation; NYS Department of Environmental Conservation; and US Environmental Protection Agency – Region 2 and Hudson River Field Office; and

BE IF 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 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

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June Patterson, Town Clerk

RESOLUTION

OF

DECEMBER 22, 2014

RESOLUTION AUTHORIZING COMMENCEMENT OF
EMINENT DOMAIN PROCEEDINGS RELATING TO
AN EASEMENT REQUIRED FOR EXTENSION OF THE
PUBLIC WATER SUPPLY DISTRIBUTION SYSTEM OF
THE TOWN OF HIGHLANDS WATER DISTRICT # 2

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

WHEREAS, pursuant to settlement of a court action involving MTBE pollution of certain drinking water sources, extension is required of the public water supply distribution system of Water District # 2; and

WHEREAS, such water supply project has been considered in great detail by the Town Board and the public, among other places and times, at public hearings held on December 12, 2011 and February 10, 2014 by the Town Board of the Town of Highlands. At such places and times, the Town Board has previously considered alternative locations, heard from the public and set forth the reasons for the selection of the final location and the expansion of the project with additional funding. The Town Board has previously determined that the purpose and location of the project are in the best interests of the public and that this action will not result in any significant adverse environmental impact.

WHEREAS, in order to complete construction of the water supply project, the Town has made numerous attempts to acquire easements over certain properties. Negotiations with the below listed landowner for an easement has been unsuccessful. The properties affected by this proceeding are as follows:

<u>Property Owner(s)</u>	<u>Address</u>	<u>Tax Map Number</u>
William S. Roberts, Jr.	20 Brooks Lane	14-3-5

NOW, THEREFORE, THE TOWN IN A SESSION DULY CONVENED, pursuant to its right to exercise Eminent Domain pursuant to section 402(B) of the Eminent Domain Procedure Law

does hereby authorize the Town of Highlands to commence and maintain appropriate proceedings against the above-listed property owners and any other relevant condemnees for the acquisition of the needed easements and related interests in real property for construction and maintenance of the aforesaid water supply project.

This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote 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

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June Patterson, Town Clerk