

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, April 13, 2015 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
Justin Rider ---- Counsel
June Patterson ---- Town Clerk

ABSENT: James Stradley ---- Council Member

Supervisor Livsey opened the meeting at 7:00pm.

Supervisor Livsey said he and Council Member Gunza attended an awards breakfast hosted by the Hudson Valley Women's and Friends Association. The Supervisor said Council Member Voltaire was the MC and he asked her to report later on this event.

Supt. of Schools:

Council Member Voltaire introduced Dr. Frank Sheboy, the new School Superintendent.

Dr. Sheboy spoke briefly.

Council Member Edsall said he has never seen a Superintendent come before the Town Board and he appreciated him coming.

PUBLIC COMMENT

Kathy Hamill, from Hudson Highlands Land Trust reminded everyone that there will be a community forum on April 29 at the Highlands Country Club from 11-3.

MINUTES

Council Member Edsall made a motion seconded by Council Member Voltaire to accept the minutes from the Town Board meeting on March 23, 2015.

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

COMMUNICATIONS

Supervisor Livsey announced that there will be a Greek Flag raising ceremony at Memorial Park on April 19 at 1:00pm.

Supervisor Livsey received a letter from the DEC asking for corrective action which needs to be complete by April 20.

Supervisor Livsey received a letter from Balfour Beatty stating they do not owe sales tax for 2014.

Mr. Rider said that sounds correct.

Supervisor Livsey stated the NYS DOT approve the System Safety Program Plan that Ms. Solan worked very hard on.

Supervisor Livsey said the Town of Highlands Senior Center will be holding their Grand Opening on May 2 from 11-2.

Supervisor Livsey said the Comptroller has completed the Town audits and everything is okay.

Supervisor Livsey stated the Court records have been examined according to the UJC Act Section 2019-a and any fines collected have been turned over to the proper people.

WATER DISTRICT #2

Supervisor Livsey introduced John Sarcone. The Supervisor stated there were three bids received for the Water project. Supervisor Livsey stated that the money for this project is from the settlement of the lawsuit, not taxpayer money.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution to award a contract in accordance with contract documents issued for bid for Highlands Water District No. 2 Potable Water System Extension: Phase II.

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

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

John Sarcone said he appreciates the help from the Town to get this project done. Mr. Sarcone stated that he is excited to get the school water.

Supervisor Livsey asked if the project would begin around June.

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Mr. Sarcone said that as soon as the resolution is certified and a contract is signed, the project can begin. Mr. Sarcone said he believes it will be sooner than June.

FINANCIAL REPORTS, REQUESTS & RESOLUTIONS

Supervisor Livsey said the total Accounts Payable amount was \$52,701.86.

BOARD REPORTS

Council Member Edsall:

Council Member reported that Rotary and the Fort Montgomery Battlesite will be holding a clean-up this Saturday (4/18) beginning at 9am.

Council Member Gunza:

Council Member Gunza said there are several things with the police, but she would let Chief Quinn address them later.

Council Member Gunza said the fire departments are having a recruitment day on April 26. Ms. Gunza said Fort Montgomery Fire Dept. will hold theirs from 8am to 12pm and Highland Falls Fire Dept. will hold theirs from 10am to 2pm.

Council Member Voltaire:

Council Member Voltaire said the School Board is finalizing their budget for next year and there are two Board seats up this year.

Council Member Voltaire said Congressman Malone will be holding a bullying seminar on April 26 in Newburgh.

Council Member Voltaire stated that she hosted and awards' breakfast and luncheon recently. Ms. Voltaire said, at both, individuals were recognized for their work in the community.

Council Member Voltaire reported that The Center is closing their current location on May 1 due to the high rent and they are looking for a new space.

Council Member Gunza said The Center had a Pastor Appreciation Day last Thursday and the Pastors talked about projects they could work on together.

SUPERVISOR'S REPORT

Supervisor Livsey stated that he has put together a list of all the parks in the Town. The Supervisor said the State has designated May 2 as "I Love My Park Day".

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Supervisor Livsey received a request from Vision to use some money out of the Beautification fund to blacktop Patriot Garden Park. The Supervisor said there is money in the Reserve Fund for that. The Supervisor said Vision also requested some money to plant trees and he has asked them for an estimate.

Supervisor Livsey said the Governor's office is asking for information on the storm.

Supervisor Livsey said he asked the Building Inspector and the Recreation Director to do a safety inspection of the parks in the Town.

Supervisor Livsey said the Office for the Aging will be holding their annual RSVP Recognition Dinner and the Town has sponsored this in the past with a donation of \$125. The Supervisor asked if the Board wanted to do this again.

Council Member Edsall made a motion seconded by Council Member Voltaire to sponsor the RSVP Recognition Dinner with a \$125 donation.

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

Supervisor Livsey stated, that after the recent shots fired incident, he called 911 and asked what the response time was. The Supervisor was informed that it took 6 minutes for the first officer to arrive on scene and the first officer was from the Park Police.

Supervisor Livsey said he had a request from the NY Bridge Authority for permission to launch a boat, if needed, from Mine Dock Park. The Supervisor said it was okay and asked the Board if they had any objections.

Council Member Edsall made a motion seconded by Council Member Voltaire to ratify the Supervisor's decision to allow the NY Bridget to launch a boat from Mine Dock Park, if needed.

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

Supervisor Livsey said that on May 15 from 10am to 12pm Big Wheels Deliver Meals will take place and if any Board member is interested in participating, to let him know.

Council Member Gunza said the Meals on Wheels participation is declining.

Supervisor Livsey said the building on Mine Dock Road should be demolished soon.

Mr. Rider said there are just a couple of things to be finalized in the contract to protect the Town.

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Police Department Report:

Chief Quinn reported that on April 20, he will be conducting interviews for 6 candidates. The Chief said the interviews will begin at 1pm and the Board is welcome to attend.

Chief Quinn said he is potentially losing three other officers and Mr. Hill won't be ready for patrol until July.

Supervisor Livsey asked how long Phase II is.

Chief Quinn said Mr. Hill should be able to start with the Town around the second week in May and then he will need to complete 160 hours of training before he will be ready to patrol.

Chief Quinn said the new vehicle should be in service tomorrow.

Chief Quinn stated that on March 25 one of his officers believed he was being shot at and the shots were heard by other officers. The Chief said an investigation was conducted and nothing was found. Chief Quinn said there is still an on-going investigation and if anyone has any information please let him know.

Chief Quinn said the Department purchased five new printers for the cars. The Chief stated this was not budgeted for, but the other ones were old and in bad shape.

Chief Quinn reported that he received the License Plate Reader from the recent grant and it is on the car and running. The Chief said he has purchased a new bracket to mount the old Reader on another car.

Chief Quinn said he sponsored a NARCAN class that was attended by 14 residents.

Chief Quinn said he is reaching out to the Orange County Sheriff for a grant for new computers.

Chief Quinn informed everyone that there is an identity theft victim in Highland Falls and he encouraged everyone to be vigilant in checking their credit.

Chief Quinn said the PBA has asked him for a locker room change and he would like to discuss this with the Board.

Chief Quinn said there has been a request for his department's help on July 4, but he won't have an answer about that until June.

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Public Hearing CDBG:

Supervisor Livsey said the Town received \$25,000 of the \$125,000 requested for last year's grant. The Supervisor said the Town has to hold a public hearing to allow public input for projects for the next grant.

Council Member Gunza made a motion seconded by Council Member Voltaire to schedule a public hearing on April 27 at 7:00pm, in connection with submission of an application to the Community Development Block Grant Program for 2016.

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

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

Resolution – Amend Cemetery Rules:

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution amending the Cemetery Rules and Regulations of the Town of Highlands.

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

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

Request – Mine Dock Park:

Supervisor Livsey has received a request from someone to do a photo shoot at Mine Dock Park. The Supervisor said it will be held on April 29 from 7am to 7pm and they would also be filming at the Historic Site.

Council Member Edsall made a motion seconded by Council Member Voltaire to approve the photo shoot at Mine Dock Park providing an Insurance Certificate is provided to the Town.

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

Citizens Foundation:

Supervisor Livsey has received a book from the Orange County Citizens Foundation which has a lot of great information in it. The Supervisor said the book is in his office if anyone wants to look at it.

PUBLIC COMMENT

There was no public comment.

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EXECUTIVE SESSION

Supervisor Livsey made a motion seconded by Council Member Edsall to go into executive session to discuss possible litigation with Mr. & Mrs. Storms. The Board went into executive session at 8:10pm.

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

Council Member Edsall made a motion seconded by Council Member Voltaire to close the executive session. Executive session closed at 8:40pm.

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

ADJOURN

Council Member Gunza made a motion seconded by Council Member Voltaire to adjourn the meeting. Meeting adjourned at 8:41pm.

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

Attest,

RESOLUTION

OF

APRIL 13, 2015

A RESOLUTION TO AWARD A CONTRACT
IN ACCORDANCE WITH CONTRACT
DOCUMENTS ISSUED FOR BID
FOR HIGHLANDS WATER DISTRICT NO. 2
POTABLE WATER SYSTEM EXTENSION:
PHASE II

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 increase to maximum expenditure (the "Project");

WHEREAS, the Town Board has contracted with the Samuel G. Fredman Water Trust in accordance with an Agreement entered into in June 2012, which contract allocates the responsibility for payment of the costs of Water Project Phase I (the "2012 Contract"); and

WHEREAS, the Town Board of the Town of Highlands on behalf of Water District #2 hereby did award the contract for the Water Project Phase I to the lowest responsible bidder, Legacy Valve, LLC, to be performed in accordance with contract documents, at a base bid amount of \$1,058,648.00 and a total bid amount of \$1,216,109.00; and

WHEREAS, Phase I was successfully completed; and

WHEREAS, the Parties began discussing additional work that might be completed, including the provision of water to the Fort Montgomery Elementary School and the expansion of the scope of the project ("Water Project Phase II" or "Phase II") as Phase I did not expend all funds

permitted by the Environmental Facilities Corporation, New York State Comptroller's Office, and the Town Board's Bonding Resolution; and

WHEREAS, the Parties met and the project engineer designed alternatives for the expansion of the project; and

WHEREAS, the Phase II discussions focused on the ability to provide water to the school as well as additional linear feet of piping to maximize the build-out of Water District #2; and

WHEREAS, the Town Board and the Samuel G. Fredman Water Trust contracted to complete Phase II (the "2013 Agreement") which contract authorizes Phase II and allocates the responsibility for payment of the costs of the Project; and

WHEREAS, the Town Board received bids on the Project on March 27, 2015 at 11:00 a.m., and

WHEREAS, the Project Engineer, J. Robert Folchetti & Associates, L.L.C. performed a bid evaluation and recommendation to award in April 2015.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Highlands on behalf of Water District #2 hereby does award the contract for the Project to the lowest responsible bidder, Legacy Valve, LLC, to be performed in accordance with contract documents, at a base bid amount of \$351,560.00; and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide the notice of award to the successful bidder; 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 Contract Documents; 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, on April 13, 2015.

June Patterson, Town Clerk

RESOLUTION

OF

MAY 19, 2014

A RESOLUTION TO SCHEDULE A
PUBLIC HEARING IN CONNECTION
WITH SUBMISSION OF A GRANT
APPLICATION TO ORANGE COUNTY
IN CONNECTION
WITH THE COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR 2016

Council Member **Gunza** 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 will conduct a public hearing on the 27th day of April, 2015, to provide information to the public about the nature and type of eligible activities.

NOW, THEREFORE, BE IT RESOLVED that a public hearing shall be held to receive comments and to provide information about the nature and type of eligible activities for Community Development Block Grants on April 27, 2015 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 shall give notice of such public hearing specifying the time when and the place where such public hearing will be held by publication and posting; 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 April 13, 2015.

June Patterson, Town Clerk

RESOLUTION

OF

APRIL 13, 2015

A RESOLUTION AMENDING THE
CEMETERY RULES AND REGULATIONS
OF 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 has heretofore adopted Rules and Regulations applicable to the Eagle Valley Cemetery and additional cemeteries under the control of the Town of Highlands in December, 1989, which were last revised in March, 2013 (the “Cemetery Rules and Regulations”); and

WHEREAS, upon diligent review, the Town Board has determined that it is in the best interests of the Town to amend the Cemetery Rules and Regulations to make explicit reference to the fact that the regulations pertain to all cemeteries under its control including, Eagle Valley Cemetery, Peacedale Cemetery and Highland Union Cemetery; and

WHEREAS, the adoption of said amendment 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 Cemetery Rules and Regulations apply to all cemeteries under the control of the Town of Highlands, including Eagle Valley Cemetery, Peacedale Cemetery and Highland Union Cemetery; 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 | 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 April 13, 2015.

June Patterson, Town Clerk