

## **TOWN BOARD**

The Town Board, Town of Highlands, held a meeting on Monday, July 27, 2015, at Town Hall, 254 Main St, Highland Falls, NY at 7pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member (arrived 7:05pm)
	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**

Mervin Livsey, Jr. thanked the Board for pushing the State to cut the grass in the median on 9W.

### **MINUTES**

Council Member Gunza made a motion seconded by Council Member Voltaire to approve the minutes from the July 13, 2015 Town Board meeting.

**MOTION CARRIED:**       **3-eyes (Livsey, Gunza, Voltaire)**  
                                  **0-nays**  
                                  **1-abstain (Stradley)**  
                                  **1-absent (Edsall)**

### **COMMUNICATIONS**

Supervisor Livsey received information on the 2015 Office of Community Renewal Housing Resources Funding Round. The Supervisor said over \$23 million of State and Federal funds are now available for certain programs. The Supervisor stated that a copy of this will be available in the Town Clerk's office if anyone wants to look at it.

Supervisor Livsey said there was a meeting of the Water District. The Supervisor said Legacy is approximately 1 week behind schedule, but things are moving along and pipes are being laid.

Supervisor Livsey stated that some retired railroad workers recently were at Mine Dock Park and they were thrilled to be able to sit and watch the trains go by.

Supervisor Livsey received a letter from Senator Schumer thanking him for being at Mine Dock Park with him recently.

**FINANCIAL**

**Expenditure from FMSIA Reserve Fund:**

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution to authorize an expenditure of \$6,150 from the FMSIA Reserve Fund for the rental of the generator at the Sewer Plant.

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

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

**Budget Transfers – Town Clerk:**

Council Member Edsall made a motion seconded by Council Member Voltaire to authorize the transfer of \$300 from Town Hall Repair Reserve to Town Clerk Training.

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

Council Member Edsall made a motion seconded by Council Member Voltaire to authorize the transfer of \$150 from Records Management Personal Svcs to Records Management Training.

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

**BOARD REPORTS**

**Council Member Voltaire:**

No report.

**Council Member Gunza:**

Council Member Gunza reported that there is a request from a police officer for a leave of absence and also a police officer resignation on the agenda tonight. Ms. Gunza stated that the police are doing extra work with money from Orange County. Ms. Gunza would like to see the police continue their patrol of the new 4-way stop at the top of Mountain Ave.

**Council Member Stradley:**

Council Member Stradley reported that he participated in a baseball tournament for a family who lost their wife/mother to cancer. Mr. Stradley said that the Pozo family sponsored teams.

**Council Member Edsall:**

Council Member Edsall said he received an inquiry from a student about Wind Mill regulations. Mr. Edsall said maybe that is something the Town might want to consider.

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Council Member Edsall said the grass is overgrown on the property where the house was taken down on Mine Dock Road.

Council Member Edsall said he is encouraged with what is happening with Fort Fitness and the Old Oak.

Council Member Gunza asked about the consolidation of the Planning Boards.

Council Member Edsall said he has heard nothing from the Village, but maybe Counsel can prepare something and there can be a firm vote from the Town Board. Mr. Edsall said either he or the Supervisor should talk to the Mayor.

Mr. Rider said he would be happy to write something so the Village can confirm whether they want to move forward or not.

Council Member Gunza said the budget is soon and the Board will need to know if that line will be increasing.

## **SUPERVISOR'S REPORT**

Supervisor Livsey asked for the Board's thought on electricity at Brooks Park. The Supervisor doesn't know if it is cost effective since the park is not open at night and he believes that grant money can be used for something else.

Council Member Voltaire asked if there were any other ideas.

Supervisor Livsey said the money can be used to blacktop the road and parking area and, also to put in a handicapped ramp to the pavilion.

Council Member Stradley asked if this could be tabled for now.

Supervisor Livsey said he would table it to give the Board more time to think about it.

Supervisor Livsey announced the National Night Out which will be happening on August 4 from 5-9pm at the municipal parking across from Sacred Heart.

## **GENERAL BUSINESS**

### **Ambulance Billing:**

Supervisor Livsey said he received a letter from Capt. Stroppel that states the Town is losing about \$100,000 a year by not following through on the ambulance bills. The Supervisor said Capt. Stroppel is asking the Town Board to consider repeat billing and also sending bills to a collection agency if not paid.

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Council Member Edsall agreed that the Town should be going after the money.

Supervisor Livsey said he would tell Capt. Stroppel to move on this issue.

Supervisor Livsey said he received a picture of the new ambulance that should arrive the week of September 27.

**RESOLUTION - Orange County Emergency Services:**

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution to provide information, regarding emergency medical service providers, to the Orange County Department of Emergency Services.

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

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

**2016 Budget:**

Supervisor Livsey said the budget meetings will be every Monday until September 21. The Supervisor said on the Board's regular meeting night, the meeting will begin at 6pm followed by the budget workshop and on non-Board meeting nights, the budget workshop will begin at 6pm.

Council Member Gunza said she isn't sure two weeks is enough time for the bigger departments to prepare their budgets.

Supervisor Livsey said they can let the Board know if that is a problem

Supervisor Livsey informed the Board that the new Tax Cap limit is .73%

Mr. Rider said the Board might want to consider a resolution to exceed the tax cap.

Supervisor Livsey said the Town might need to bond two vehicles for Highway. The Supervisor said the approximate cost would be \$300,000 and this will be looked at during the budget sessions.

**Police Dept. – Resignation:**

Council Member Gunza made a motion seconded by Council Member Voltaire to accept the resignation of Police Officer Curt McDermott.

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

**Police Dept. – Leave of Absence:**

Council Member Gunza made a motion seconded by Council Member Voltaire to approve the leave of absence for Police Officer Theresa Careswell.

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

**Village Grant Proposal:**

Supervisor Livsey received a draft resolution from the Village for the support from the Town for them to submit a grant application for a reorganization study. The Supervisor stated that he changed the last paragraph to just read Village of Highland Falls Mayor.

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution authorizing the Village to develop and submit a grant application for a reorganization study.

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

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

**Property Maintenance – 90 Firefighters:**

Supervisor Livsey said the Property Maintenance Code allows the Town to notify the owner of the violation and for the owner to clean it up within five days. The Supervisor said if it is not cleaned up within five days, the Town will clean it and charge the owner.

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the resolution ordering the Property Maintenance Procedure for 90 Firefighter’s Memorial Drive.

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

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

**MRS – Road Opening Permit:**

Supervisor Livsey said MRS is moving forward with bringing water to their property on Mine Dock Road. The Supervisor said they have requested the Town issue them a Road Opening Permit. The Supervisor stated that the Highway Superintendent has spoken to them and explained the procedure.

Mr. Rider said the permit should be issued subject to the posting of adequate security.

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Council Member Edsall made a motion seconded by Council Member Voltaire to approve the Road Opening Permit, subject to the posting of adequate security, for Legacy Valve for the purpose of installing the underground meter vault for MRS Realty – Mine Dock Road.

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

Mr. Rider said the security is \$10,000 and they are discussing the form of payment.

**PUBLIC COMMENT**

None.

**ADJOURN**

Council Member Edsall made a motion seconded by Council Member Voltaire to adjourn the meeting. Meeting adjourned at 7:40pm.

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

Attest,

RESOLUTION

OF

JULY 27, 2015

A RESOLUTION TO AUTHORIZE  
EXPENDITURE FROM THE  
FMSIA RESERVE FUND:  
GENERATOR

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

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 benefit of the Fort Montgomery Sewer Improvement Area known as the FMSIA Reserve Fund; and

WHEREAS, the Town Board previously authorized on January 12, 2015, the expenditure of forty five thousand dollars in emergency repairs at the Overlook and Montgomery pump stations; and

WHEREAS, the Town Board previously authorized on May 11, 2015 additional expenditures of five thousand dollars related to the Overlook and Montgomery repairs and upgrades performed by TAM as the contractor exceeded the initial estimate; and

WHEREAS, the Town Board desires to authorize the expenditure of an additional amount not to exceed six thousand one hundred fifty (\$6,150.00) dollars from said capital reserve as the repairs and upgrades required the use and rental of a temporary generator; and

WHEREAS, the transfer of funds constitutes a legislative action pertaining to routine or continuing agency administration and management, not including 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, an expenditure not to exceed the sum of Six Thousand One Hundred Fifty and 00/100 (\$6,150.00) Dollars is hereby authorized from the FMSIA Reserve Fund to complete payment to TAM for the repairs and upgrades and specifically for the rental of the generator used therein; 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	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Adrienne T. 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 July 28, 2015.

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June Patterson, Town Clerk

RESOLUTION

OF

JULY 27, 2015

A RESOLUTION TO PROVIDE  
INFORMATION TO  
ORANGE COUNTY DEPARTMENT  
OF EMERGENCY SERVICES

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

WHEREAS, the Orange County Department of Emergency Services is requesting information from Orange County municipalities regarding emergency medical service providers; and

WHEREAS, the Town of Highlands through the Town of Highlands Townwide Ambulance District provides emergency medical services as follows: BLS Service Provider, Town of Highlands Ambulance Corps, 37 Main Street, Highland Falls, New York 10928; and ALS Service Provider, Mobile Life Support Services, P.O. Box 471, Newburgh, New York 12551.

NOW, THEREFORE, BE IT RESOLVED that the Town of Highlands Supervisor is hereby authorized to provide all necessary information to the Orange County Department of Emergency Services and is further authorized to update the foregoing information from time to time; and

BE IT FURTHER RESOLVED that the Town Clerk shall provide a copy of this resolution to Orange County Emergency Communications, 22 Wells Farm Road, Goshen, New York 10924.

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 T. Voltaire, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Aye</b>
Mervin R. Livsey, Supervisor	voting	<b>Aye</b>

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June Patterson, Town Clerk

**RESOLUTION RE: AUTHORIZATION TO DEVELOP AND SUBMIT A GRANT  
APPLICATION FOR THE VILLAGE OF HIGHLAND FALLS  
REORGANIZATION STUDY**

**July 27, 2015**

**WHEREAS**, the Town of Highlands (the Town), formed in 1872, does include within its established boundaries the full extent of the Village of Highland Falls (the Village), an incorporated village; and

**WHEREAS**, the function and services provided by the Town have evolved in response to changes in residents' needs, as well as the powers and authority of towns to deliver municipal services; and

**WHEREAS**, over the years, the function and services provided by the Village have also evolved in order continually to meet residents' needs and expectations; and

**WHEREAS**, the Village wishes to examine the extent, if any, to which current services and functions of the Village overlap with or duplicate services provided by the Town, and explore opportunities and challenges related to reorganization of the Village to accomplish greater efficiency, reduce costs and improve the quality of services delivered to residents; and

**WHEREAS**, in order to accomplish these goals, the Village does intend to seek support in an amount not to exceed \$50,000 from the NYS Department of State's Citizen's Reorganization Empowerment Grant (CREG) program to conduct a study of reorganization options, to include village dissolution, and to evaluate the positive and negative impacts of these options, which study shall be entitled the "Highland Falls Area Local Government Reorganization Study" (the Study); and

**WHEREAS**, the Town wishes to participate with the Village in the conduct of the Study, in order that it may provide input regarding the feasibility and desirability of certain reorganization options and alternatives; and

**WHEREAS**, the Town recognizes that its participation in the Study as a co-applicant to the Village's CREG application does not require the Town to contribute to the cost of such study, regardless of the Study's findings or outcomes; now therefore be it

**RESOLVED**, that the Town does hereby authorize the Village of Highland Falls Mayor, who, by resolution of the Village dated July 20, 2015 was designated as the Lead Applicant Contact Person, to identify the Town as a co-applicant to the Village's CREG application.

The question of the adoption of the foregoing was duly put to a vote on roll call which resulted as follows:

James Stradley, Council Member                      voting **Aye**

June Gunza, Council Member                      voting **Aye**

Adrienne T. Voltaire, Council Member                      voting **Aye**

William Edsall, Council Member                      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 July 28, 2015.

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June Patterson, Town Clerk

RESOLUTION

OF

JULY 27, 2015

A RESOLUTION ORDERING  
PROPERTY MAINTENANCE PROCEDURE  
PURSUANT TO CHAPTER 141  
ENTITLED "PROPERTY MAINTENANCE"  
OF THE CODE TOWN OF HIGHLANDS:  
90 FIREFIGHTERS MEMORIAL DRIVE

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

WHEREAS, the Building Inspector of the Town, John Hager has performed an inspection of the premises located at 90 Firefighters memorial Drive, designated on the Tax Map of the Town of Highlands as Section 16, Block 1, Lot 24; and

WHEREAS, based on the inspection, the Building Inspector has recommended that the Town Board provide notice to the property owner requiring that weeds and detrimental growth be removed and the property secured; and

WHEREAS, the Town Board agrees with the recommendation of the Building Inspector and shall institute proceedings in accordance with Chapter 141 of the Town Code to have the yard cleared of detrimental growth and secured.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Highlands Town Board hereby orders the premises cleaned; and

BE IT FURTHER RESOLVED, that in accordance with Section 141-1 of the Town Code, the Town Board shall notify the record owner of Section 16, Block 1, Lot 24 that the property must be cleaned and the weeds and detrimental growth removed within five days and the property secured; and

BE IT FURTHER RESOLVED, that if the property maintenance is not completed within five days of said notice, the Town or agents of the Town will complete the clean-up and repairs and all expenses incurred by the Town in connection with the proceedings, including a reasonable surcharge, shall be assessed against the land and shall be levied and collected in the same manner as provided for the levy and collection of real property taxes.

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 T. 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 July 28, 2015.

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June Patterson, Town Clerk