

TOWN BOARD

The Town Board, Town of Highlands, held a Public Hearing and Meeting on Monday, September 28, 2015, 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
Kelly Blauvelt ---- Comptroller
Justin Rider ---- Counsel
June Patterson ---- Town Clerk

PUBLIC HEARING-

Supervisor Livsey opened the Public Hearing on the Benefit Districts.

Public Comment

Greg Lawless, owner of the property across from Marchese Chevrolet on 9W, stated that he is being charged 7 points and doesn't have access to water. Mr. Lawless asked the Board to consider bringing the water to his curbside.

Supervisor Livsey said he will look into this situation again.

Close Public Hearing

Council Member Gunza made a motion seconded by Council Member Voltaire to close the public hearing. Public hearing closed at 7:05pm.

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

REGULAR MEETING

Water Meter Reading Software Presentation

Highway Supt. Patterson introduced Tom Sprague from Schmidts Wholesale. Mr. Patterson said he had asked Mr. Sprague about a laptop to read the meters and was informed that there is a better system available.

Mr. Sprague gave a brief presentation on his company's Cellular Reader stating it was automatic and the readings are automatically sent to the cloud where they can be accessed. Mr. Sprague explained how the system worked.

TOWN BOARD

SEPTEMBER 28, 2015

Mr. Patterson told the Board that he was not looking to switch everyone at once. Mr. Patterson said some customers still have the meters that need to be manually read and if Corbin Hill comes on line he would like them to have the new meters.

Council Member Gunza expressed her concern with the lack of cell coverage in the Town.

Mr. Sprague said he would check that out before going ahead.

Council Member Edsall asked about the cost.

Mr. Sprague explained the different packages and their prices.

Supervisor Livsey said the cell service needs to be checked before moving forward.

Council Member Edsall suggested going with the least expensive option and after that, charge the cost of the meter back to the customer.

Mr. Patterson said the cost to hook-up is \$300, but he would like that to go up because of the inspection costs.

Mr. Sprague said, with this system, the Town and Mr. Patterson can monitor the water usage and see a problem sooner, which will let it get fixed faster.

MEETING

PUBLIC COMMENT

Tyrone King asked how the budget process worked.

Supervisor Livsey explained the process to Mr. King.

MINUTES

Council Member Edsall made a motion seconded by Council Member Gunza to approve the minutes from the September 14 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 September 21 Town Board meeting.

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

COMMUNICATIONS

Supervisor Livsey said he received a letter from MaryEllen Olivia informing him that the Friends of the Library is holding a Disaster Preparedness presentation on October 13 at 6:30pm.

Supervisor Livsey said he received notification from the County Executive that the Red Ribbon Kick-Off Ceremony will be held on October 26 at 10am at the Pine Tree Elementary School in Monroe.

FINANCIAL

Accounts Payable

The Supervisor said the Town paid out \$122,942.

Budget Transfers

Council Member Voltaire made a motion seconded by Council Member Edsall to transfer \$400 from Sewer Contractual to Sewer Fuel.

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

Council Member Gunza made a motion seconded by Council Member Voltaire to transfer \$1,000 from Police Fuel to Police Contracted Exp.

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

Council Member Voltaire made a motion seconded by Council Member Stradley to transfer \$741 from Workers Compensation to Retirement.

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

Council Member Gunza made a motion seconded by Council Member Edsall to transfer \$250 from Police Fuel to Police Uniforms.

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

BOARD REPORTS

Council Member Edsall

Council Member Edsall had nothing to report.

Council Member Stradley

Council Member Stradley had nothing to report.

TOWN BOARD

SEPTEMBER 28, 2015

Council Member Gunza

Council Member Gunza stated that she met with the Comptroller and an Insurance Representative recently. Ms. Gunza said they are looking into NYMIR and the regular carrier to get the best price.

Council Member Gunza reported that the Town is working on the Hazard Mitigation with Orange County.

Council Member Gunza congratulated the Fort Montgomery Fire Department for their recent awards. Ms. Gunza also stated that Highland Falls Fire Department looked good in the recent parade.

Council Member Gunza said the Town of Highlands Police are monitoring the speed on 9W.

Council Member Voltaire

Council Member Voltaire said she attended the Board of Education meeting recently and it was very interesting.

Council Member Voltaire stated that The Center just celebrated their 1st anniversary and she thanked Ann and her staff for the job they are doing.

SUPERVISOR'S REPORT

Supervisor Livsey reported that he attended the RSVP Luncheon and Dorothy Nielsen was given an award for her 25 years of volunteer service. The Supervisor spoke to someone who said Montgomery has a program where seniors take care of seniors. The Supervisor said an example is a senior giving a ride to another senior when needed. The Supervisor said this is something he would like to look into.

Supervisor Livsey stated that Mine Torne Road is open and will remain that way through December while the paving of the Palisades Parkway is going on. The Supervisor has told the West Point Superintendent that he would like to speak to him before it gets closed again.

Supervisor Livsey said the Town and Village crews worked together to pave Brooks Park. The Supervisor said this was done with two grants (Orange County and State).

Supervisor Livsey said he met with Mr. Rider and a representative from the Corbin Hill Homeowners Association to discuss the procedure for them to hook up to Town water. The Supervisor informed her that it would be a costly project and the Town would not pay for it.

Mr. Rider said that Council Member Voltaire spoke to the Assessor and there is an outstanding Certiorari and he would like an appraisal done.

TOWN BOARD

SEPTEMBER 28, 2015

Supervisor Livsey said Bog Meadow is in the Town of Highlands, but owned by the Village of Highland Falls and is part of their water system. The Supervisor said the property was granted an exemption years ago for the Town and Village taxes and they are now requesting an exemption for the School taxes. The Supervisor said this is something the School will need to decide on.

Mr. Rider said the Assessor would need to apply that exemption, if granted, and he would not do anything without a signed agreement.

GENERAL BUSINESS

New Ambulance

Supervisor Livsey said the new ambulance is in Connecticut and Marty and Chris Byrnes went to look at it. The Supervisor said there are a couple of changes that need to be made. The Supervisor stated that if payment is made by September 30, the Town will save \$1,000.

Budget Review

Supervisor Livsey reviewed the budget with the Board.

Supervisor Livsey said, as it stands, the Planning Board is in both the A and B Fund and he recommends that the \$17,000 be removed from the A-Fund since nothing has been heard from the Village on consolidation.

Council Member Edsall suggested taking it out of the Final Budget.

Supervisor Livsey said there is a 2% raise in the budget for everyone except, Department Heads, Elected, Contractual and Stipends.

The Board continued to review the budget.

Ms. Blauvelt stated that, as of right now, the budget is \$3,083 below the tax cap.

Ms. Blauvelt said she has not quotes for insurance so it is in the budget at an increased rate.

Ms. Blauvelt said she received the Fire District budget which is up \$2,000. Ms. Blauvelt said this does not affect the tax cap.

Supervisor Livsey instructed the Town Clerk to use \$4,000 for the Board salaries and \$15,000 for the Supervisor's salary in the Public Notice.

Resolution – Adopt Benefit Districts

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the Special District Assessments, Rolls and Benefit Formulas for 2016.

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

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

Resolution – Kiryas Joel Litigation

Council Member Edsall made a motion seconded by Council Member Voltaire to adopt the Resolution of Support for the litigation to be commenced by Orange County against Kiryas Joel.

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

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

Resolution – Dumpster Fees

Supervisor Livsey proposed raising the fees by 10% and if a property has three or more cans, they will be charged the minimum dumpster fee (\$29.00).

Council Member Edsall made a motion seconded by Council Member Voltaire to adopt the resolution authorizing Sanitation Fees pursuant to Article III of Chapter 160 of the code of the Town of Highlands.

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

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

Resolution – Prohibit Parking

Supervisor Livsey said there has been a couple of problems with extended parking in the lot on Firefighters and there is no law for this. The Supervisor said the Town manages two parks.

Mr. Rider said there is guidelines for the parks, but this resolution will give the ability to enforce.

Supervisor Livsey suggested tabling this until it is made more specific.

Supervisor Livsey made a motion seconded by Council Member Voltaire to table this matter until a later date.

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

Resolution – Handbook Amendment

Supervisor Livsey said it is a simple change that pertains to the amount of time an employee must request vacation time. The Supervisor said it is going from 30 days to 14 days.

Council Member Voltaire made a motion seconded by Council Member Gunza to adopt the resolution amending the Employee Handbook.

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

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

Resolution – Ambulance Expenditure

Supervisor Livsey said the tentative delivery date of the new ambulance is October 9.

Council Member Edsall made a motion seconded by Council Member Voltaire to adopt the resolution to authorize an expenditure from the Ambulance Reserve Fund.

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

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

Next Meeting

Supervisor Livsey said the next meeting falls on a holiday and he asked what the Board wanted to do.

The Board decided to have the meeting on October 5 and the Town Clerk was asked to post this.

Supervisor Livsey said, if there is no agenda, he will cancel the meeting.

PUBLIC COMMENT

Mary Jane Pitt thanked the Police and Fire Departments for their participation in the O'Neill parade.

EXECUTIVE SESSION

Supervisor Livsey made a motion seconded by Council Member Voltaire to go into executive session to discuss Town Personnel effected by the 2016 budget, Town V&T Prosecutor change and the Highway/Sanitation Collective Bargaining agreement. Board went into executive session at 8:30pm.

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

TOWN BOARD

SEPTEMBER 28, 2015

Council Member Voltaire made a motion seconded by Council Member Stradley to close the executive session. Executive session closed at 9:23pm.

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

ADJOURN

Council Member Edsall made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 9:24pm.

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

Attest,

RESOLUTION

OF

SEPTEMBER 28, 2015

A RESOLUTION OF FINAL ADOPTION
OF SPECIAL DISTRICT
ASSESSMENTS, ROLLS AND BENEFIT
FORMULAS FOR THE YEAR 2016

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

WHEREAS, the Annual Budget and Special Assessment Rolls for the Town's special districts and special improvement areas, namely Town of Highlands Water District #1; Town of Highlands Water District #2; and Town of Highlands Sewer Improvement Area for the fiscal year beginning January 1, 2016 were duly prepared and filed with the Town Clerk as required by law, and

WHEREAS, a public hearing on the said Budgets and Assessment Rolls as required by law, was held by this Town Board and the Board having met at the appointed time and place as specified in the Notice of Hearing duly published by the Town Clerk and all persons interested and desiring to be heard thereon having been heard;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board of the Town of Highlands does hereby adopt the budget as compiled and presented at the said hearing, together with Assessment Rolls accompanying the same as the Annual Budget and Assessment Rolls for the Town's special districts and special improvement areas, namely Town of Highlands Water District #1; Town of Highlands Water District #2; and Town of Highlands Sewer Improvement Area for the fiscal year beginning January 1, 2016 and that such Budget and the Assessment Roll accompanying the same

be entered in full in the minutes of the proceedings of this Town Board; and be it

FURTHER RESOLVED, that the Benefit Formulas finally approved shall spread a portion of the cost of maintaining and operating the Town Districts and the payment of the debt service due for the fiscal year beginning January 1, 2016 over the properties within the Districts in proportion to the benefit derived; and be it

FURTHER RESOLVED, that the Benefit Formula for Town of Highlands Water Districts No. 1 and No. 2 is attached hereto as Exhibit A; and be it

FURTHER RESOLVED, that the Benefit Formula for Town of Highlands Sewer Improvement Area is attached hereto as Exhibit B; and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Highlands prepare and certify in duplicate copies of the said Budget and Assessment Rolls as so adopted for presentation as required by law.

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 Meeting of the Town Board, Town of Highlands, on September 28, 2015.

June Patterson, Town Clerk

RESOLUTION

OF

SEPTEMBER 28, 2015

A RESOLUTION OF SUPPORT
FOR THE LITIGATION TO BE COMMENCED
BY ORANGE COUNTY AGAINST
THE VILLAGE OF KIRYAS JOEL

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

WHEREAS, on September 17, 2015, the Orange County Legislature passed a resolution authorizing the Orange County Executive, in conjunction with the Office of the County Attorney, to retain legal counsel to represent the County for purposes of representing the County's interests with respect to proposed annexation actions annexing land from the Town of Monroe to the Village of Kiryas Joel and the related SEQRA review, including litigation in connection therewith; and

WHEREAS, during the course of the annexation and SEQRA process, the County of Orange, and other involved and interested agencies submitted comments and objections concerning the annexation and issues of environmental concern, including those areas in which it was felt that the Village had failed to properly comply with the requirements of SEQRA and had failed to adequately consider potential significant, adverse environmental effects of the annexation; and

WHEREAS, the County of Orange feels that the failure of the Village to adequately consider potential, adverse environmental impacts resulting from the annexation directly impacts the health, safety and welfare of the residents of the County of Orange and the affected municipalities within the County and is not in the overall public interest; and

WHEREAS, the Town Board of the Town of Highlands finds that it is in the best interest of the County of Orange to institute legal proceedings to address the inadequacies of the environmental review and findings adopted by the Village of Kiryas Joel and to file objections to the annexation in order to protect the health, safety and welfare of the County and all its residents.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands does here by support the determination by the Orange County Legislature to challenge the annexations and related SEQRA review; 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, the Hon. James Skoufis, Assemblyman for the 99th District, the Hon. James DiSalvo, County Legislator for the 14th District and the Hon. Steven M. Neuhaus, Orange County Executive by the Town Clerk;

BE IT FURTHER RESOLVED, that the aforesaid 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

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 September 28, 2015.

June Patterson, Town Clerk

RESOLUTION
OF
SEPTEMBER 28, 2015

A RESOLUTION AUTHORIZING
SANITATION FEES
PURSUANT TO
ARTICLE III OF CHAPTER 160
OF THE CODE OF HIGHLANDS

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

WHEREAS, Chapter 160, entitled "Solid Waste" of the Town Code of the Town of Highlands, permits the Town Board to set fees related to its municipal solid waste collection; and

WHEREAS, the Town Board believes it is in best interest of the Town to establish a new fee structure for 2016; and

WHEREAS, the adoption of the fee schedule constitutes 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, that the Town of Highlands hereby authorizes the following fees related to municipal solid waste collection in accordance with Schedule A attached hereto and made a part hereof.

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 September 28, 2015.

June Patterson, Town Clerk

RESOLUTION

OF

SEPTEMBER 28, 2015

A RESOLUTION OF THE
THE TOWN BOARD
AMENDING THE EMPLOYEE HANDBOOK
OF THE TOWN OF HIGHLANDS:
VACATION SCHEDULING

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

WHEREAS, an employee handbook is an effective tool for communicating employment policies and procedures, standards of conduct, pay practices and employee benefits; and

WHEREAS, an employee handbook is important in demonstrating the Town of Highlands' compliance with federal and state regulations; and

WHEREAS, it is a well established "best practice" that employees should be provided with the necessary information to fully understand the policies, procedures, rules and regulations pertaining to their employment; and

WHEREAS, the Town Board of the Town of Highlands adopted a comprehensive Employee Handbook on February 24, 2003 for the purpose of communicating the Town's personnel policies and practices to all employees and elected officials of the Town; and

WHEREAS, the Town Board has reviewed its provisions related to vacation scheduling and would like to amend same;

WHEREAS, upon diligent review, the Town Board has determined that it is in the best interests of the Town to amend Section 802 as it pertains to vacation scheduling of the Employee Handbook; 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, Section 802 entitled “Vacation Leave” of the TOWN OF HIGHLANDS “EMPLOYEE HANDBOOK” is hereby amended to revise the subparagraph entitled “Vacation Scheduling”, by changing the second sentence therein to read as follows: “In normal circumstances, vacation requests should be submitted at least fourteen days in advance.”

BE IT FURTHER RESOLVED that the aforesaid 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 September 28, 2015.

June Patterson, Town Clerk