

## **TOWN BOARD**

The Town Board, Town of Highlands, held a public hearing and meeting on Monday, March 14, 2016, at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	Tyrone King	----	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 and said he was going to allow Dan Malarky to make an announcement before beginning the Public Hearing.

Mr. Malarky announced there will be a St. Patrick's Day Parade on Saturday, March 19 at 12pm.

### **PUBLIC HEARING – TIME WARNER CABLE**

Supervisor Livsey said he received a draft agreement from Time Warner Cable to renew the contract for cable service within the Town of Highlands. The Supervisor said that he read the new contract and compared with the old contract, then passed them on to Town attorney, Justin Rider.

Supervisor Livsey said that Time Warner Cable is still willing to pay the Town a franchise of 5% of gross revenues, but they would like to send a check every quarter instead of semi-annually, like they have in the past.

Supervisor Livsey stated that they did not list the Governmental access and there was no commitment to continue and maintain the equipment for public broadcasting, but the Supervisor Livsey said he did talk to Time Warner Cable and they agreed that they would add that into the contract.

Supervisor Livsey asked for \$3,000 as a donation for beautification, he said that they turned that offer down.

Supervisor Livsey said the contract is for 15 years, the last contract was for 10 years, however, it was signed him 22 years ago.

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### **Public Comment**

Wayne Facer comes to the mic, he has issues dating back to 2006 contract. In that document, Mr. Facer said, it was his understanding that they were to have a field office within the Town, which has now since gone.

Mr. Facer asks Supervisor Livsey to ask for a field office be put back in town before he considers signing the contract. Mr. Facer said he did not understand why the office closed and now all business has to be done up in Newburgh. Mr. Facer said it is inconvenient for everyone especially the elderly, not everyone is savvy with computers or have access to one.

Supervisor Livsey asks Mr. Facer to be very specific in his comments as he will be forwarding these minutes onto Time Warner Cable.

Mr. Facer said there were two other issues. Mr. Facer said Time Warner Cable is merging with Charter Communications sometime this summer and he would like to be assured that Charter Communications will honor the Town's agreement as it with Time Warner.

Mr. Facer's major concern was a rate hike. Mr. Facer said has heard that Charter Communications has suggested that there will be a rate hike that will take place one to two years after the merger and the Town is looking at a 10-15 percent Charter Communications change over.

Mr. Facer said that Time Warner has been sending out little pieces of information regarding their boxes concerning digital updates. Mr. Facer does not think this should be something they should be promoting he believes Time Warner Cable is using this to start and promote their global act.

Mr. Facer said that he believed the Town went through this same thing back in 2009, when they tried to promote their digital act, the only difference here is they are encrypting their communications and he believes the reason for that is Time Warner is trying to get more money from this area.

Mr. Facer's concern is that they would encrypt their signal, when indeed the transmission should be unencrypted.

Mr. Facer said secondly that during the 2006 agreement there was supposed to be some provision to improve service within the area, which has not improved, in fact, the quality of the service has gotten worse.

Mr. Facer said we have still not gotten the higher speed band and we have not yet gotten the higher communication in terms of receiving a signal or using internet type device.

Mr. Facer also stated that we have not gotten Wi-Fi that we were promised.

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Mr. Facer reiterated that he wanted these items to be honored not only with Time Warner Cable but with Charter Communications as well.

Mr. Facer said he would also suggest that, if Time Warner Cable cannot agree to such an agreement or under any circumstances abide by any of these conditions, he would strongly advise the Town to look at another cable company.

Supervisor Livsey praised Mr. Facer of his knowledge of Time Warner Cable and the agreement.

Supervisor Livsey said he was unaware of an agreement in 2006.

Mr. Facer said you might want to review the issue because all the items he spoke of were in that agreement.

Council Member Edsall asked Mr. Facer to be more specific on the Wi-Fi issue.

Mr. Facer said that there was supposed to be better availability of communication for tablets, phones and computers.

Council Member Edsall stated that Mr. Facer meant public Wi-Fi.

Council Member Voltaire added that if you were a subscriber you could log in wherever there was Time Warner Cable Service.

Council Member Edsall said like a hotspot on Main Street.

Mr. Facer said with Charter Communications coming in there would be no way to insist on these kind of services.

Mr. Facer said that within two years we will probably have to require all new equipment and technology.

Mr. Facer said that he does a lot of business over the internet and the need for speedier internet is something that must occur.

Mr. Facer said that it does not mean Time Warner should be raising rates or giving us less service.

Mr. Facer said, and as everyone knows, Time Warner Cable is the worst in the business.

Aaron Falk comes to the mic and asks the Town Board if there is any other cable company that we can go to.

Supervisor Livsey said he does not know of anyone else approaching the Town with business.

Council Member Edsall said that Verizon was going to bring FIOS here about 5 years ago.

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Other residents said they had tried to transfer over to Verizon without any success there are not many options.

Supervisor Livsey wanted to add to the Public Comment regarding Emergency Services and the internet access they be provided service at no cost.

Council Member Edsall made a motion seconded by Council Member Voltaire to close the public hearing. Public hearing closed at 7:16pm.

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

Supervisor Livsey said this will be brought up at the next meeting after Mr. Rider has had a chance to review the contracts and Time Warner has called him back.

## **REGULAR MEETING**

### **MINUTES**

Council Member Edsall made a motion seconded by Council Member Gunza to approve the minutes from the February 22, 2016 meeting.

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

### **COMMUNICATIONS**

Supervisor Livsey received a letter informing him that the 4<sup>th</sup> of July Committee is up and running.

Supervisor Livsey received information on the Annual Agricultural District Review and provided this to the Town Clerk in case anyone wanted to look at it.

Supervisor Livsey received a letter from DOT stating that they will be putting a pedestrian counter at the stop light by the Fort Montgomery Fire House.

### **FINANCIAL**

Supervisor Livsey said the Town paid \$131,557.32 on February 23 and \$66,186.55 on March 9.

**BOARD REPORTS**

**Council Member Voltaire**

Council Member Voltaire reported that she will be attending the Library Board meeting.

Council Member Voltaire said the Board of Education is in their budget process. Ms. Voltaire also stated that there are Board seats up for election this year.

Council Member Voltaire stated that the Capital Projects for the school has been approved for the Highland Falls Intermediate School.

Council Member Voltaire said the ribbon cutting ceremony for the new baseball field at O'Neill High School will be on April 15.

Council Member Voltaire reported that there will be a new Special Education program for grades 6, 7 & 8.

Council Member Voltaire said she attended The Center Parent's Club luncheon where they recognized some employees of the school and members of the community.

Council Member Voltaire said The Center is still looking for volunteers.

**Council Member Gunza**

Council Member Gunza stated the luncheon was very nice on Saturday.

Council Member Gunza reported that she attended the Evelyn Drew award ceremony and Doris Koziak was honored.

Council Member Gunza said the Hazard Mitigation draft is almost done and should be received from Orange County soon.

Council Member Gunza stated the Police Department is doing well.

**Council Member King**

Council Member King stated, also, that the luncheon was nice.

Council Member King said he spoke to some people with some concerns over the weekend.

Council Member King said he and Mr. Falk have spoken about the interviews for the Recreation Assistant that will be held this week.

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Council Member King reported that he spoke to a representative from Code Red and plans on meeting with them. Mr. King said, if this is something that will benefit the Town, he will ask them to give a presentation to the Board.

### **Council Member Edsall**

Council Member Edsall said the Consolidation Committee has been Data Diving and working with Ms. Blauvelt. Mr. Edsall said they will be interviewing Chief Quinn and Highway Supt. Patterson this week and they were scheduled to have a meeting on March 17, but he doesn't think that will take place.

Council Member Edsall said the Supervisor is being proactive with the problems at Corbin Hill.

Council Member Edsall referenced a dog bite that occurred recently and said the owner should be held liable.

Supervisor Livsey asked Mr. Rider to look into what can be done.

### **SUPERVISOR'S REPORT**

Ms. Blauvelt said the AUD is almost done.

Supervisor Livsey stated that, when the interviews are done for the Recreation Assistant, a salary should offered.

Ms. Blauvelt said she and Mr. Falk would look at that tomorrow.

Ms. Blauvelt said Mr. Patterson was sent recommendations stemming from a recent visit from PESCH. Ms. Blauvelt said there is a grant available to reimburse the Town for what has been spent to comply with these recommendations.

Council Member Gunza said the Hazard Mitigation Committee used the Town of Highlands in a slide presentation.

Supervisor Livsey said there a lot of things that can't be explained at Corbin Hill. The Supervisor said there is water across 9W, the storm drains are filled with dirt and the retention pond is empty. The Supervisor also stated that the silt from Corbin Hill is going into Garrison Pond.

Mr. Rider said the Building Department has issued a Stop Work Order for the six units. Mr. Rider said there has been correspondence between representatives from Corbin Hill, counsel and Town Officials. Mr. Rider stressed that the Town is taking this very seriously.

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Supervisor Livsey said the residents of Corbin Hill would like to join the Town water system and he spoke to them about the costs and what needed to be done. The Supervisor said the talks are continuing.

Mr. Rider said the commercial piece of property by Corbin Hill has an application before the Planning Board to build.

Supervisor Livsey said the Town is getting a lot of water in the sewer system and it has the potential to overload the system. The Supervisor stated that this situation will be resolved.

## **GENERAL BUSINESS**

### **School District – Capital Improvement Project**

Supervisor Livsey has a letter requesting that the School District be lead agency for the Capital Improvements Project.

Council Member Edsall made a motion seconded by Council Member Voltaire to authorize the Supervisor to sign the letter.

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

### **Billing Service – Ambulance**

Supervisor Livsey said there was an email between Capt. Byrnes and Ms. Blauvelt about the poor service received from Evolution Billing. The Supervisor said that email was forwarded to Evolution Billing. The Supervisor said a response was received stating what the Town needed to do.

Ms. Blauvelt said she will need to look at this more closely to define the issues with Evolution.

Supervisor Livsey tabled this until a later meeting.

Supervisor Livsey said Capt. Byrnes and Ms. Blauvelt will meet this week to discuss this.

### **Camp Inventions**

Mr. Falk forwarded the information on Camp Inventions to Mr. Rider to review. Mr. Falk said no money is needed upfront.

Mr. Rider said money is needed after the materials are sent.

Supervisor Livsey is concerned with the cost and amount of participants required. The Supervisor also questioned the cancelation time.

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Mr. Falk said he would speak to his contact about the 60 day cancellation and explained that the \$125 was for materials only.

Council Member King asked if the Town could require a down payment.

Mr. Falk said that was possible, but if they don't sign up, a refund will be issued.

Supervisor Livsey asked what Camp Invention was.

Mr. Falk explained it is a Science and Technology camp. Mr. Falk said, in order to get more participants, he could advertise outside of the community and charge a higher fee.

This matter was tabled until a later meeting.

**Background Checks for Coaches**

Mr. Falk stated that he overestimated his numbers in the information he provided to the Board.

Supervisor Livsey said there is a \$199 subscription fee and \$7.95 per person charge.

Council Member Edsall made a motion seconded by Council Member Voltaire to authorize Mr. Falk to use Protect Youth Sports for background checks on coaches.

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

**Ambulance Billing**

Ms. Blauvelt said she checked the payments to Evolution and in 2013 the Town paid them \$12,000, in 2014 they were paid \$11,000 and in 2015 the amount was \$10,000. Ms. Blauvelt said it doesn't make sense that it is lower each year.

Ms. Blauvelt said the Town of Highlands Baseball page hit 1,000 likes.

**Easter Egg Hunt**

Mr. Falk said the annual Easter Egg Hunt will be on Saturday, March 19, at 10am at Roe Park.

**Congressman Maloney**

Supervisor Livsey said Congressman Maloney will be at the Town Hall to greet residents at 4pm on Friday or Saturday. The Supervisor asked Ms. Blauvelt to confirm the day with his office.

**Raffle Tickets**

Supervisor Livsey received a request from Access: Supports for Living Foundation to sell raffle tickets in the Town of Highlands.

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Council Member Gunza asked if this was for public property or anywhere.

Mr. Rider said they would still need the proper permit from the Town.

Council Member Edsall made a motion seconded by Council Member King to authorize Supervisor Livsey to sign the paperwork authorizing the sale of raffle tickets.

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

### **ANY OTHER BUSINESS**

#### **Public Hearing – Town Hall Reserve Fund Transfer**

Supervisor Livsey stated that Ms. Patterson has gotten quotes to replace the carpet in the Town Hall. The Supervisor said the lowest quote is \$6,200, but because this money will need to come out of the Town Hall Reserve Fund, a public hearing is needed.

Ms. Patterson asked if more than the \$6,200 could be transferred to allot for IT costs, etc.

Council Member Edsall made a motion seconded by Council Member Voltaire to schedule a public hearing to transfer, an amount not to exceed \$8,000, from the Town Hall Reserve Fund for new carpet in the Town Hall.

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

#### **Grass Cutting Contract**

Supervisor Livsey said Mr. Patterson informed him that Neighbor's Landscaping has decided not to continue their relationship with the Town. The Supervisor said Mr. Patterson has chosen to go with the next lowest bidder which is Hudson Sealcoating.

#### **Resignation – Crossing Guard**

Supervisor Livsey has a letter of resignation from Claudette Smedman. Ms. Smedman said she is not longer to be a crossing guard because of health issues, but thanked the Board for everything.

Council Member Voltaire made a motion seconded by Council Member Gunza to accept the resignation of Claudette Smedman.

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

#### **Brooks Park - Butterfly Park**

Supervisor Livsey had a request from a resident to put a Butterfly Garden at Brooks Park. The Supervisor said she would call it a handicapped Butterfly Garden so it could be paid for with the grant money. The Supervisor spoke to Mr. Fusco, who said that it could not be done.

## **PUBLIC COMMENT**

Vanecia Jackson requested the Town have a Juneteenth celebration on June 19 from 9:30-10:30am. Ms. Jackson explained that this was the last day the slaves were freed.

Supervisor Livsey asked Council Member King to spearhead this.

Council Member King said he would be happy to do that. Mr. King said there had been one in the past and he thinks it would benefit the community.

Council Member Edsall stated that Brooks Park was full of people yesterday.

## **EXECUTIVE SESSION**

Council Member Voltaire made a motion seconded by Council Member Edsall to go into executive session to discuss a personnel issue. Board went into an executive session at 8:20pm.

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

Council Member King made a motion seconded by Council Member Voltaire to close the executive session. Executive session closed at 9:00pm.

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

## **ADJOURN**

Council Member Voltaire made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 9:01pm.

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

Attest,