

TOWN BOARD

The Town Board, Town of Highlands, held two (2) Public Hearings and a Workshop on Monday, February 22, 2010 at Town Hall, 254 Main St, Highland Falls, NY 10928 at 7:30pm.

PRESENT:	Edward Magryta	----	Supervisor
	Holly Gokey	----	Council Member
	William Edsall	----	Council Member
	Laurie R. Tautel	----	Council Member
	Mervin R. Livsey, Jr.	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

****PUBLIC HEARING ON INTRODUCTORY LOCAL LAW #7 OF 2009****

Supervisor Magryta opened the Public Hearing on Introductory Local Law #5 of 2009. This is a Local Law amending Chapter 210 entitled "Zoning" of the code of the Town of Highlands and the Zoning Map of the Town of Highlands to rezone property from B Business Zoning District to R-5 Apartment Residence Zoning District: A portion of Corbin Hill.

Justin Rider explained that this local law would change the zoning from Business (B) to Apartment Residence (R-5).

Supervisor Magryta would like the Board to listen to all the information and then make a determination on the petition.

Ann Marie Feducia asked if there were two lots involved, how large the lots were and if they were both zoned the same.

Mr. Rider said there are two lots and both are zoned business. The total acreage of both lots is 5.5 acres.

Mrs. Feducia doesn't want any more condos built for many reasons. She stated that the traffic and parking are already bad, there are fire hazards in some of the condos, she questioned if the sewer plant could handle the extra flow and she does not believe that the builder is honest or reliable. Mrs. Feducia also said that when the builder started he clear cut which caused problems for the Town.

Bob Monroe said that in the Comprehensive Plan it states that the sewer plant is operating at capacity. He would like to know how it will be able to handle the new flow.

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Greg Maher read the Comprehensive Plan and it doesn't say anything about changing Business to Residence.

Supervisor Magryta said there is a portion in the Comprehensive Plan that refers specifically to this property.

Greg Madigan is opposed to any change in the zoning at Corbin Hill. He is concerned because the developer has a history of not being an asset to the Town.

Allen Leeds, an employee of the builder, said that the clear cutting was on the approved plans from the previous builder. He also stated that the Condo Association voted to allow this to go on.

Supervisor Magryta asked Mr. Leeds for a copy of that document.

Council Member Livsey is surprised that Sandy Pankin, the builder, is not present. Mr. Livsey did some research and discovered that more condos would not be in the best interest of the community. He would like to keep the property commercial.

Supervisor Magryta asked the Board to refrain from making any decisions at this time.

Council Member Tautel said the capacity of the sewer plant is 125,000 gallons and a study showed that it is operating at 77,000 gallons.

Evan Pankin informed the Board that Sandy Pankin could not make the meeting because of a family emergency. Mr. Pankin said that his father has dedicated himself to this project and he really cares about this community.

Supervisor Magryta would like to invite Mr. Pankin to a future workshop.

Council Member Livsey believes that this is something that needs to be done.

Evan Pankin asked for any questions in advance so Mr. Pankin can have the answers ready.

Jennifer Wood said that it is a blind turn coming out of Corbin Hill and she is concerned with safety.

Council Member Livsey said there was a traffic study done in that area.

John Wood said the Board was approached about putting a traffic light at Franklin St. He was told that the Town decides if a traffic light is needed.

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Mr. Rider said the Town can make a recommendation, but it would be up to the discretion of NYS DOT to install a traffic light.

Council Member Livsey made a motion seconded by Council Member Edsall to close the Public Hearing on Introductory Local Law #5 of 2009. Public Hearing closed at 8:08pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

******PUBLIC HEARING INTRODUCTORY LOCAL LAW #5 OF 2009******

Supervisor Magryta opened the Public Hearing on Introductory Local Law #7 of 2009. This is a local law amending Schedule II of Dimensional Regulations Residence Districts a portion of Chapter 210 entitled "Zoning of the Code of the Town of Highlands: R-5 density.

Justin Rider said the purpose of this law is to reduce the density in the R-5 zoning districts in the Town of Highlands.

Greg Madigan is in favor of this law.

Ann Marie Feducia asked if the law was passed would Mr. Pankin fall into that guideline.

Mr. Rider said that it would affect all future development in R-5 districts.

Council Member Tautel said this follows what the Comprehensive Plan says.

Council Member Livsey made a motion seconded by Council Member Tautel to close the Public Hearing. Public Hearing closed at 8:17pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

******WORKSHOP******

Supervisor Magryta opened the workshop at 8:18pm.

PUBLIC COMMENT

Bobbie Fallon said the taxpayers want the Town to spend their money diligently.

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Ann Marie Feducia asked if the public would have a chance to confront Sandy Pankin at the Town Board workshop.

Mr. Rider said that is not typical. The Board will have a dialogue with Mr. Pankin, but not the public.

Supervisor Magryta said the public can speak during public comment.

MINUTES

The Board recommended some changes be made to the minutes before they are approved.

AUDIT OF ACCOUNTS PAYABLE

Council Member Tautel has a problem with the \$707 being paid to AFR. She believes that this was already paid to them. Ms. Tautel asked the Supervisor to look at the voucher again.

Council Member Tautel made a motion seconded by Council Member Gokey to accept the Audit of Accounts Payable less Check #16686 to AFR.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

RESOLUTION – OPPOSITION TO 9/11 TRIALS IN ORANGE COUNTY

Supervisor Magryta has two resolutions, the original one and one that Council Member Edsall prepared. The Supervisor asked the Board what they wanted to do.

Council Member Tautel said she is not comfortable with the County Executive Ed Diana's version, but likes the one Council Member Edsall prepared.

Council Member Livsey does not believe that certain parts of Council Member Edsall's resolution make sense.

Council Member Edsall said that this community has been subject to many hits and for the Town to absorb another one would not be fair.

Supervisor Magryta asked if the Board could come to a consensus. The Supervisor asked the Board if they would like to vote on it or revise it and bring it to the March 8 meeting.

Council Member Tautel is comfortable with Council Member Edsall's version.

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Council Member Livsey would like to go over it one more time.

Supervisor Magryta will work on it for the March 8 meeting.

BUILDING DEPARTMENT SCHOOL REQUEST

Building Inspector John Hager has requested that he be allowed to attend the annual Hudson Valley CEO Educational Conference in Poughkeepsie from April 7-10, 2010. The cost to attend would be the \$285 registration fee and mileage reimbursement.

Council Member Livsey made a motion seconded by Council Member Tautel to approve Mr. Hager's attendance at the conference from April 7-10, 2010 at a cost of \$285 plus mileage reimbursement.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Supervisor Magryta gave the Board a proposal from Nugent and Hauessler to prepare an audit of 2009 for approximately \$15,000-20,000. The Board needs to consider this firm or another firm to do this audit. In 2010 a certified audit will be conducted for 2010 at a cost of \$25,000. The feedback from the recent State Comptroller's visit was very disappointing and this needs to be addressed immediately. The State is ready as soon as the Town Comptroller gets back from medical leave.

ASSOCIATION OF TOWNS

Council Member Tautel spoke to David Moynihan, a CPA, who informed her about changes that have been made. He provided questions that should be asked of potential accountants before they are hired. He also informed Ms. Tautel that the Board should be seeing the Town's bank statements.

Supervisor Magryta said the Association of Towns was very educational. The Supervisor found out that there are certain criteria for overtime and he doesn't believe the Town is following them, but the Board will work on it and get in compliance.

GRANT DISCUSSION

Council Member Tautel said she has spent a lot of time on the Intermunicipal grant. Spoke to Todd Atkinson, the Village's grant writer, at the Association of Towns and it would be more beneficial for the Town to go with the \$25,000 planning grant.

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Supervisor Magryta believes that this grant is a win-win situation for both the Town and Village.

Council Member Tautel said there are a lot of things that need to be discussed before committing to an intermunicipal grant.

SNOW POLICY

Supervisor Magryta would like to put a snow policy into effect within the next couple of months. The Supervisor asked the Board to review the Emergency Situation section in the Employee Handbook and come up with some ideas.

RETURNED CHECK FEE

Supervisor Magryta stated that at the re-organization meeting the Board voted to set the returned check fee at \$20. The Supervisor checked and this is a legal amount to charge and it will be kept this way.

RESIGNATION

Supervisor Magryta has a resignation from Police Officer Scott Montfort.

Council Member Tautel made a motion seconded by Council Member Livsey to accept the resignation of Scott Montfort.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

FOIL REQUESTS

Supervisor Magryta said there have been numerous FOIL requests lately and the Board needs to put together a schedule for the costs.

Mr. Rider said that only materials can be charged for, not time.

Supervisor Magryta asked the Board to think this over.

POLICE CAR

Supervisor Magryta has a request from OIC Bailey to purchase a new police car out of the Police Vehicle Reserve Fund.

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Council Member Livsey said there is almost \$60,000 in that reserve fund and he would like to make sure the officers are safe in the vehicles.

Supervisor Magryta asked if the Town would be in any danger or have any liability if this car was kept for another year.

OIC Bailey is concerned with the potential cost of repairs.

Council Member Gokey asked if the car is under warranty.

OIC Bailey said it was not.

Council Member Gokey asked how much OIC Bailey expected to get for the car if it is declared surplus.

OIC Bailey said he hopes to get approximately \$5,000.

Council Member Gokey said that if the car costs \$26,000, that's \$13,000 per year. Ms. Gokey doesn't believe that there will be \$13,000 in repairs to the car next year.

Supervisor Magryta said that any decision made would be purely economic. The Supervisor is not ready to vote on this and he would like to defer until the next meeting to give time to investigate more deeply.

Council Member Livsey would like Rick Jersey to look at the car.

Supervisor Magryta believes that is a good idea and asked OIC Bailey to set something up and report back to the Board.

This matter will be put on the agenda for the next meeting.

JUSTICE COURT

Supervisor Magryta received a letter from the Park Police asking for the Town's prosecutor to negotiate plea agreements for their traffic tickets. The Supervisor asked the Board to review this and it will be put on the next agenda.

Supervisor Magryta received a letter from the Town Justices requesting permission to hire additional court officers to operate the metal detector on court nights. Training to use the metal detector is free. The Supervisor would like to review this and discuss it at the next workshop.

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Council Member Edsall asked OIC Bailey to let the Board know if he has any input on this.

Supervisor Magryta was informed by the Court that the dockets are now available for the Board's review.

MISC.

Council Member Edsall would like the Board to consider giving input on the new burning regulations.

Mr. Rider thinks the State is lessening their requirements.

OIC Bailey said the State's new law is much stricter.

Supervisor Magryta will look at this and follow up at a later date.

Council Member Tautel spoke to Colleen Solan, Dial-A-Bus Manager, and she has decided to wait the two (2) years before getting a new bus.

PUBLIC COMMENT

Deborah Kopald thanked Council Member Livsey for the meeting on the library.

Council Member Livsey said he will be meeting with the Library Board on Saturday at 9am.

Council Member Tautel made a motion seconded by Council Member Gokey to go into Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The Board went into Executive Session at 9:50pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Tautel made a motion seconded by Council Member Edsall to close the Executive Session. Executive session closed at 11:14pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Tautel made a motion seconded by Council Member Gokey to adjourn the meeting. Meeting adjourned at 11:15pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**