

TOWN BOARD

The Town Board, Town of Highlands, held a Public Hearing on the Water District #2 Project on Monday, December 12, 2011 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

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

Supervisor Magryta opened the meeting at 7:05pm.

Supervisor Magryta explained that during the public hearing all members of the audience will be given a chance to speak. The Supervisor said that all questions/statements will be addressed after the public hearing is closed.

Supervisor Magryta said to start the public hearing John Sarcone, the Counsel for the Settlement Master, will give a presentation.

Council Member Edsall made a motion seconded by Council Member Livsey to open the public hearing on the Town of Highlands Water District II Project. Public hearing opened at 7:10pm.

MOTION CARRIED: 4-eyes (Magryta, Gokey, Livsey, Edsall)
0-nays
1-absent (Tautel)

Mr. Sarcone said he is excited about getting water to the residents of Fort Montgomery. Mr. Sarcone thanked the previous Supervisors for getting the project to this point. Mr. Sarcone asked Mr. Folchetti to give his presentation and after that Mr. Kelly will speak about funding.

John Folchetti gave a short presentation that outlined the process thus far, talked about the choice made, explained the project and its costs.

Tom Kelly said this project is subject to 1/3 funding from the EFC if approved by the Town and the Trust would be putting in the balance. Mr. Kelly stressed that there are stringent deadlines that need to be met for the funding.

PUBLIC COMMENT

Mark Smith asked why Option 6 was chosen and why there was no comparison of all 8 options for the public.

Ray Brown thanked the Board for their hard work and stated that he was concerned about the Fort School.

Dave Tonneson said that he believes that the water lines need to be extended, but he doesn't feel the point system is fair and would like the Board to re-consider it next year.

Jim Conley asked if the Town had spoken to the Village about more water.

Supervisor Magryta said he spoke to the Mayor and he is willing to discuss more water for the Town.

Jim Conley is disappointed in how things are being done and wondered why water lines are being put on private property.

Richard Sullivan asked if there was enough water for everyone to hook up. Mr. Sullivan believes that if residents are paying for water they should be able to get it.

Keith Bogardus said he heard someone is getting paid \$1 million to go through their yard with the water pipes.

Mark Iosa (Owner of Old Oak Inn) said that because he has no water, he is unable to open his business.

Bernard Cassidy said that if the Town is laying out 1.4 million from the settlement, what is happening to the rest of the money.

John Sarcone said that is not something that can be discussed publicly and he will speak to Mr. Cassidy later.

Terry Holt said he would like water and wondered why Option 6 was chosen.

Tony Squicciarini said he doesn't think anybody is against water, but the process is frustrating when the Town works without public input. Mr. Squicciarini said that maybe it is time for some more public input.

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Annie Scott asked why the pipes are not crossing at Montgomery Rd and if the Board has looked at easements. Ms. Scott said she opposes the project as it is shown.

Andrew Marcinak asked if he would be getting water for his business and multi-family residence.

Greg Maher does not agree with the way Option 6 was chosen.

Doris Lent would like the Board to consider a less expensive plan to cut the cost of water.

Richard Sullivan asked how the Town plans to apportion the water after the specific lots hook up.

Doris Lent asked if it was possible to get an extension on the project so everyone can take time to review everything and do it right.

Pharoby Ripa suggested leaving the public hearing open.

Supervisor Magryta appreciates all the comments and said that he is not against leaving the public hearing open while the questions are answered. The Supervisor asked the experts to address the questions.

(Mr. Smith)

Supervisor Magryta said that some of the information in Mr. Smith's matrix did not match up.

Justin Rider said that there are 377 parcels sharing the cost, not just the 68 parcels in the project.

(Ray Brown)

Mr. Sarcone said including the Fort School would mean changing the project which might hurt funding by the EFC.

Tom Kelly said if the project is changed and the plans go back it could hurt the funding. Mr. Kelly stated that there are deadlines that need to be met.

Supervisor Magryta said the school has sufficient, uncontaminated water.

(Dave Tonneson)

Supervisor Magryta said the point system can be re-looked at next year.

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(Jim Conley)

Supervisor Magryta stated that the Village is willing to talk about providing more water to the Town.

Supervisor Magryta said the Town evaluated extensively the cost of the project.

(Choice of Engineer)

Mr. Sarcone said that the Settlement Master selected an engineer after consulting with the Town.

Mr. Rider said the Town could have decided to pay for a different engineer, but decided to go with the engineer that was selected.

(No transparency)

Mr. Rider stated that the settlement agreement is confidential, but all the information on the project has been available.

Supervisor Magryta said there are no \$1 million payments going to any private citizens.

Supervisor Magryta said that if the original Water District #2 was looked at again today, the district formation was not perfect.

Tom Kelly stated that there is ample water for this project.

Supervisor Magryta said the Town has the financial facilities to move on this today and if it is delayed the financing might not be available. The Supervisor said 18 months of work went into this and everything that could be provided was provided.

(Why not cross at Montgomery Rd)

Supervisor Magryta said an analysis was done, core sampling was done and information was provided to the engineer.

Annie Scott said that the people should have something in writing that the easements have been taken care of.

Mr. Rider said he is comfortable with the ability to secure easements and the Town can condemn properties if needed for a public project.

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Mr. Sarcone said the entire Board approved the "memo of understanding" 9 months ago to present the plan and process.

Mr. Kelly said that every year the Department of Health looks at projects applying to the Drinking Fund. Mr. Kelly further stated that the Town's project ranks 91 and money is available for every project above the funding line.

(Marcinak-Water to Fox's deli and 2-family house)

Supervisor Magryta said the deli is on the line and access will be available to both properties.

Ned Kopald said the Board should have reached out to the school for consideration.

Supervisor Magryta said he know the school didn't have a water problem.

(Bogardus-Time limit)

Mr. Sarcone said the answer to that question is partially confidential, but because Mr. Bogardus is a litigant he can have the answer. Mr. Sarcone said the Town had 2 years from February 2009 to have a contract. Mr. Sarcone said the Judge could extend that if circumstances warranted and he has done so.

Supervisor Magryta said affordability is the number one criteria and this project has been scrutinized extensively.

Council Member Edsall said the Board decided on Option 6, even though it is not perfect. Mr. Edsall said he has concerns and it is not the cheapest way to go, but there is no time to change.

Council Member Gokey said she appreciates all the comments and would like to consider everything before voting.

Council Member Livsey believes that the school should be put in the project and that the Board should sit down with Mr. Smith and look at his information. Mr. Livsey is concerned that there is nothing in writing about the easements. Mr. Livsey said he is not 100% positive on this project.

Supervisor Magryta said he already represented his opinions. The Supervisor said the project is not perfect and every effort went into the analysis. The Supervisor said the Board will not vote tonight.

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Council Member Livsey made a motion seconded by Council Member Edsall to close the public hearing. Public hearing closed at 11:15pm.

MOTION CARRIED: 4-eyes (Magryta, Gokey, Livsey, Edsall)
0-nays
1-absent (Tautel)

Judge Fredman said that Supervisor Magryta has been fair to everyone at this public hearing. The Judge explained that the Board worked and negotiated 6 options and an engineer and attorney were brought in to assist the Town with what they could do within their means. The Judge said he would like to move forward and bring water to the people.

ADJOURN

Council Member Edsall made a motion seconded by Council Member Gokey to adjourn the meeting. Meeting adjourned at 11:20pm.

MOTION CARRIED: 4-eyes (Magryta, Gokey, Livsey, Edsall)
0-nays
1-absent (Tautel)