

## TOWN BOARD

The Town Board, Town of Highlands, held a Public Hearing and Meeting on Monday, February 13, 2012 at Town Hall, 254 Main St, Highland Falls, NY at 7pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	James Stradley	----	Council Member
	June Gunza	----	Council Member
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

Supervisor Livsey asked for a moment of silence for Town of Cornwall Justice Joe Thompson who passed away recently.

Supervisor Livsey opened the Public Hearing on Local Law #1 of 2012 – A Local Law Amending the Procurement Policy at 7:00pm.

### **PUBLIC COMMENT**

There was no public comment.

Council Member Gunza made a motion seconded by Council Member Stradley to close the Public Hearing.

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

### **REGULAR MEETING**

#### **MINUTES**

Council Member Gunza informed the Town Clerk that the Disaster meeting took place at the Ambulance Corps building, not the Library as stated and asked that it be amended in the minutes.

Council Member Edsall made a motion seconded by Council Member Gokey to accept the minutes from the January 23 meeting with the amendment.

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

**COMMUNICATIONS**

Supervisor Livsey read some communications he had received recently. The Supervisor said that all employees have received a questionnaire from the Comptroller and they need to complete it and return it to her as soon as possible.

**FINANCIAL REPORTS, REQUESTS & RESOLUTIONS**

**Budget Transfers**

Council Member Edsall made a motion seconded by Council Member Gunza to approve the budget transfers totaling \$18,825.50.

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

**Benefit Settlement – Jim Willis**

Supervisor Livsey said the Board is aware of this and he would like a motion to settle.

Justin Rider said this is in reference to a dispute over accrual of benefits and the Town Board has reached a settlement with Mr. Willis.

Council Member Stradley made a motion seconded by Council Member Edsall to accept the settlement of \$17,303.52 for Mr. Willis providing he signs a release against any further compensation.

**MOTION CARRIED: 4-eyes (Edsall, Stradley, Gunza, Livsey)  
1-nay (Gokey)**

**Accounts Payable for Jan 27 & Feb 10**

Supervisor Livsey explained that \$500,000 of the \$594,000 for the accounts payable on February 10 is a return of overpayment to the Receiver of Taxes.

Council Member Gokey made a motion seconded by Council Member Stradley to approve the Accounts Payable for January 27 & February 10.

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

**Tax Receiver's Report**

Supervisor Livsey reported that only 71% of the taxes have been paid and accordingly to the Receiver of Taxes, this is a low number.

**Cash Audit**

Supervisor Livsey said that the Comptroller is scheduling cash audits for all departments.

**BOARD LIAISON REPORTS**

**Council Member Gunza:**

Disaster: The Disaster Committee met on January 25 and they plan to meet again on February 15. The Disaster Coordinator has resigned and if anyone is interested they should contact the Board.

Ambulance Corps: The Ambulance Corps will be requesting permission from the Board to send unpaid Ambulance bills to collections. The Ambulance Corps had 30 calls and 106 training hours in January.

Police Dept: There is a request from Chief Quinn to replace 1 officer who is resigning and to fill 2 vacant slots. The officers are only paid if they work. Will be meeting with the PBA to discuss the contract soon.

**Council Member Gokey:**

Building Dept: Mr. Hager interviewed for the Building Inspector position and narrowed it to 3 candidates who were given a second interview. This matter is on the agenda. E-codes is now available on the Town's website.

IT: Spoke to New Windsor in reference to some IT issues. They would like to do a server upgrade.

Supervisor Livsey would like to put the IT issues on the agenda for a later meeting.

**Council Member Edsall:**

Water District #2: A "committee" has been meeting every Friday and everything is going very well.

Energy Study: Looked into the energy study and found that the Board approved it last March or May.

Supervisor Livsey met with them and the price they quoted is still the same. The Supervisor also asked them to look into putting a generator at the Town Hall for power outages.

**Council Member Stradley:**

Dial-A-Bus: Met with Colleen Solan for information on Dial-A-Bus. Ms. Solan informed me that the ridership is down and she is trying to come up with ways to get more riders.

Recreation Dept.: Attended the Recreation Commission meeting. Thanked the volunteers who work with the local children.

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Highway Dept: The contract negotiations will begin soon.

Ethics: Will discuss with Council Member Gunza and the Comptroller about the committee.

### **SUPERVISOR'S REPORT**

Water Project: Supervisor Livsey has met with Mayor D'Onofrio about the water project. The details of the meeting will be in the newspaper. The Supervisor said the Village and the Town are working together to solve the problems.

Insurance: Scott Liebert, our insurance agent, has provided the Town with the new policy.

Civil Service: He and Council Member Gunza went to Orange County to get information.

Village Board: Attended the Village Board meeting recently.

Engineer: Met with the Town Engineer.

Police: Met with Chief Quinn and Justice Donaldson about items on the agenda.

### **ATTORNEY'S COMMENTS**

Mr. Rider said he would have something for the Board this week on the Recreation Insurance Reserve Policy. Mr. Rider also stated that he will have something for the Board on the easements for Talman and Bogardus soon.

### **UNFINISHED BUSINESS**

#### **Procurement Policy Resolution:**

Council Member Gunza made a motion seconded by Council Member Gokey to approve the resolution to adopt a Local Law Amending Chapter 35 Entitled "Procurement Policy" of the Code of the Town of Highlands.

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

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

**GENERAL BUSINESS**

**Court Officers Discussions:**

Judge Donaldson informed the Board that the Court has received another grant. Mr. Donaldson said he wants to have 4 officers on instead of 2 during Court. He would use 2 police officers and they would be paid out of the Court budget. Mr. Donaldson said having only 2 officers poses a big safety concern.

Judge Fatsis reiterated what Judge Donaldson said and also stated that no other court in Orange County has this few officers on duty.

Supervisor Livsey said he has been honoring the requests of the judges, but he is not in favor of more officers.

Council Member Edsall said that, while he appreciates the safety concern, he sees this as an expansion of government. Mr. Edsall suggested taking an officer off patrol for court.

Council Member Stradley said that safety is first and foremost. Mr. Stradley said that you can't use a patrol man who might have to respond to a call.

Judge Donaldson said it is not an expansion of government because the officers are already there.

Chief Quinn said that more than 1 officer is recommended for the Magnometer. The Chief also believes that there is a definite safety issue.

Roxanne Donnery asked the Board to consider playing tapes of the Legislative Meetings.

Supervisor Livsey said he is in the process of trying to set up an appointment with Time Warner and he will look into that for her.

**Request to Hire Police Officers:**

Chief Quinn said he met with Council Member Gunza about the staffing issues.

Supervisor Livsey said that there is a definite need for more officers.

Chief Quinn said that if the Board replaces the officer that is resigning and hires 2 additional officers, he will be able to help the Court.

Mr. Rider said the Chief will introduce candidates to the Board for approval. Mr. Rider stated that it is up to the Board to make a decision to allow 2 additional court officers.

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Council Member Stradley made a motion seconded by Council Member Gokey to approve allocating 2 additional police officers to the Court. These officers will be paid out of the Court budget and this will take effective immediately.

**MOTION CARRIED: 3-eyes (Stradley, Gunza, Gokey)  
2-nays (Livsey, Edsall)**

### Community Service Program:

Judge Fatsis presented a check that a resident donated to the Community Service Program. Mr. Fatsis would like the Board to approve purchasing safety vests with the money.

Supervisor Livsey said that the money needs to be turned over to the Comptroller. The Supervisor asked Judge Fatsis to bring the Board the cost of what he wants to purchase.

Judge Fatsis said that Mervin Livsey, Jr. has expressed an interest in running the Community Service Program.

Supervisor Livsey asked Judge Fatsis, Court Clerk McCormick and Mervin Livsey to get together and prepare something to present to the Board at a later date.

### Resignations:

Council Member Gunza made a motion seconded by Council Member Stradley to accept the resignation of Patty Pfeister from the position of Disaster Action Plan Administrator.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)  
1-nay (Edsall)**

Council Member Stradley made a motion seconded by Council Member Gunza to accept the resignation of Robert LaGrow from the position of Part-time Police Officer.

**MOTION CARRIED: 4-eyes (Livsey, Stradley, Gunza, Gokey)  
1-nay (Edsall)**

### Hiring of Building Inspector:

Building Inspector John Hager introduced Bruce Terwilliger and explained that Mr. Terwilliger is fully certified.

Council Member Stradley said he spoke to Mr. Terwilliger and, even though he believes in hiring locally, he has no problem hiring someone with Mr. Terwilliger's certifications.

Supervisor Livsey said the agreed salary is \$47,000 and no health insurance is needed.

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Council Member Edsall made a motion seconded by Council Member Gokey to hire Bruce Terwilliger to the position of Building Inspector III at a salary of \$47,000 contingent on Orange County Civil Service approval.

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

### **Request to Hire Police Clerk:**

Chief Quinn said this matter was previously discussed. The Chief said that although the department is part-time, it provides full-time service and there is a lot of clerical work to be done.

Council Member Gunza said that she has learned that there are other areas in the Town that also need help and she would like to see if some duties can be combined. Ms. Gunza would like to look into this before a decision is made.

Supervisor Livsey said that he, Council Members Gunza and Gokey will get together with Chief Quinn to discuss this and put it back on the agenda for a later date.

### **Ambulance Billing:**

Capt. Stroppel said there are Town residents that are keeping insurance checks instead of submitting them for payment. Mr. Stroppel would like the Board to authorize these bills to go to collections. Mr. Stroppel said this would only pertain to Town residents who were issued an insurance check and kept the money.

Council Member Edsall made a motion seconded by Council Member Gokey to add to the collections list those Town residents that have been issued insurance checks and have not paid the bill.

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

### **Brooks Park Grant Extension:**

Supervisor Livsey would like the Board's permission to request an extension on the Brook's Park Grant.

Council Member Gokey made a motion seconded by Council Member Gunza to authorize Supervisor Livsey to request an extension on the Brook's Park Grant.

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

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**Re-valuation:**

Supervisor Livsey announced that Appraisal Consultants will be at the next Town Board meeting to give information to everyone.

**Partners in Safety:**

Supervisor Livsey said Partners in Safety, who handle the Town's drug and alcohol testing, have raised their prices in the new contract. The Supervisor would like the Board to authorize him to sign the new contract with the new amounts.

Council Member Gokey made a motion seconded by Council Member Stradley to authorize Supervisor Livsey to sign the new contract with Partners in Safety.

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

**Water District 2 Payback Resolution:**

Justin Rider explained that this resolution drops the interest rate on the indebtedness.

Council Member Gokey questioned whether the Bond that is at 0% would remain at 0%.

Mr. Rider said the bond would always remain at 0%.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution authorizing the payback of the indebtedness owed by Town of Highlands Water District #2 to the Town of Highlands commencing in the Year 2012.

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

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

Mr. Rider stated that the payments will coincide with the regular water billing cycle.

**Misc:**

Supervisor Livsey thanked everyone for their patience during this long meeting.

Council Member Gunza asked if the unpaid water bill could be relieved onto the tax bill instead of shutting off the customers.

Mr. Rider said he would look into that.

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**PUBLIC COMMENT**

Joe McCormick would like the Board to look into the Dial-A-Bus going to the train station.

Mr. & Mrs. Milson are concerned that they see so much recycling in the garbage.

Council Member Stradley said he will address this with Highway Supt. Squicciarini.

Mr. Milsom said there are a lot of property maintenance issues in the Village.

Building Inspector Hager said he is aware of some and will look into the others.

Supervisor Livsey would like to meet with Mr. Hager and Council Member Gokey to discuss this.

**EXECUTIVE SESSION**

Council Member Edsall made a motion seconded by Council Member Stradley to go into executive session to discuss 1) personnel matter and 2) contract discussion.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

RESOLUTION

OF

FEBRUARY 13, 2012

A RESOLUTION TO ADOPT  
A LOCAL LAW AMENDING  
CHAPTER 35 ENTITLED "PROCUREMENT POLICY"  
OF THE CODE OF THE TOWN OF HIGHLANDS

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

**WHEREAS**, the Town Board of the Town of Highlands adopted a resolution on the 9<sup>th</sup> day of January, 2012 ordering a public hearing to be held on the 13<sup>th</sup> day of February, 2012, at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #1 of the Year 2012 entitled "A Local Law Amending Chapter 35 entitled 'Procurement Policy' of the Code of the Town of Highlands;" and

**WHEREAS**, a notice of Public Hearing was duly advertised on the 3<sup>rd</sup> day of February, 2012 in The News of the Highlands and posted on the Town Clerk's sign board on the 31<sup>st</sup> day of January, 2012; and

**WHEREAS**, the Public Hearing was duly held on the 13<sup>th</sup> day of February, 2012 at 7:00 o'clock p.m., at Town Hall, 254 Main Street, Highland Falls, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

**WHEREAS**, the adoption of said Local Law providing for an increase in the bidding amounts for public works contracts and purchase contracts in accordance with the General Municipal Law, as well as providing for an annual review process of the procurement policy 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; and

**WHEREAS**, the Town Board of the Town of Highlands, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Town Board of the Town of Highlands hereby adopts said Local Law #1 of

the Year 2012 entitled “A Local Law Amending Chapter 35 entitled ‘Procurement Policy’ of the Code of the Town of Highlands.”

2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Highlands and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

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

William Edsall, Councilman voting **Aye**

James Stradley, Councilman voting **Aye**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

Bob 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 February 13, 2012.

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June Patterson, Town Clerk

RESOLUTION

OF

FEBRUARY 13, 2012

A RESOLUTION AUTHORIZING  
THE PAYBACK OF THE INDEBTEDNESS  
OWED BY TOWN OF HIGHLANDS  
WATER DISTRICT #2  
TO THE TOWN OF HIGHLANDS  
COMMENCING IN THE YEAR 2012

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

**WHEREAS**, a resolution was passed by the Town Board on November 28, 2011 authorizing the payback of a total indebtedness owing from Water District #2 to the Town of Highlands in the amount of \$374,734.63 (the “Indebtedness”) over a period of twenty years at an interest rate of four (4%) percent and the Town would apply the 2012 Benefit Formula and Point System to allocate the Indebtedness to the respective properties in Water District #2 until such debt is repaid in full or otherwise excused in accordance with New York Law;

**WHEREAS**, the current administration supports the repayment of the Indebtedness, but has reviewed the interest component in light of the fact that the Bond payments made by the Town on behalf of Water District #2 were made on a no interest loan from the State Environmental Facilities Corporation;

**WHEREAS**, the Town Board of the Town of Highlands believes that reducing the interest rate from four percent to zero percent is economically justified and reasonable, and will have the effect of lessening the burden on the property owners of Water District #2; and

**WHEREAS**, the Town Board of the Town of Highlands adopted a resolution on the 28<sup>th</sup>

day of October, 2011 ordering a public hearing to be held on the 17<sup>th</sup> day of November, 2011, at 7:30 o'clock p.m., prevailing time, to hear all interested parties on the payback of the Indebtedness; and

**WHEREAS**, a notice of Public Hearing was duly advertised on the 4<sup>th</sup> day of November, 2011 in The News of the Highlands and posted on the Town Clerk's sign board on the 1<sup>st</sup> day of November, 2011; and

**WHEREAS**, the Public Hearing was duly held on the 17<sup>th</sup> day of November, 2011 at 7:30 o'clock p.m., at Town Hall, 254 Main Street, Highland Falls, New York and all parties in attendance were permitted to speak on behalf or in opposition of the payback of the Indebtedness or any particular matter related thereto; and

**WHEREAS**, the payback of the Indebtedness 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; and

**WHEREAS**, the Town Board of the Town of Highlands, after due deliberation finds it in the best interest of the Town to revise the plan to payback the Indebtedness to lower the interest component thereof.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. Town of Highlands Water District No. 2 will payback the Indebtedness over a period of twenty years at an interest rate of zero (0%) percent and the Town will apply the 2012 Benefit Formula and Point System to allocate the Indebtedness to the respective properties in Water District #2 until such debt is repaid in full or otherwise excused in accordance with New York Law; and

2. The Town Board shall authorize Town officers to commence billing the property owners in Water District #2 beginning in 2012, with such fees to be collected twice yearly; and
3. That the Supervisor and officers of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolution; and
4. 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:

William Edsall, Councilman voting **Aye**

James Stradley, Councilman voting **Aye**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman 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 February 13, 2012.

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June Patterson, Town Clerk