

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, March 25, 2013 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 (arrived 7:10pm)
June Gunza ---- Council Member

ABSENT: Holly Gokey ---- Council Member

Supervisor Livsey opened the meeting at 7:00pm.

Supervisor Livsey congratulated the Pat Flynn, Jim DiSalvo and Bob Mellon on their win in the Village Election. The Supervisor said that he fully expects the Village and Town Board to continue working together for the community.

PUBLIC COMMENT

Charlie Murphy asked about the Fort Marina being taken off the tax rolls.

Supervisor Livsey said it has already been taken off.

Mr. Rider said they qualified through the Assessor's Office.

Ms. Murphy said she would like to see it stay on the tax roll until it is ready for use.

Mr. Rider said he would follow up with the Assessor.

MINUTES

Council Member Edsall made a motion seconded by Council Member Gunza to approve the minutes from the March 25, 2013 meeting.

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

COMMUNICATIONS

Supervisor Livsey announced that all communications are available in his office for review.

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Supervisor Livsey said he received the Biomonitoring Results from the Orange County Water Authority.

(Council Member Stradley arrived – 7:10pm)

Supervisor Livsey said he received the Brook's Park Development Project amendment extending the project term to December 31, 2014 in the amount of \$41,180.

Supervisor Livsey received notification that the New York State Transportation Board has approved the System Safety Plan.

Supervisor Livsey announced that DEC, with Cornell University, will be offering a 4 hour contractor training session. The Supervisor said this training will be on April 9 and will cover erosion sediment control.

Supervisor Livsey received grant information from the Laburde Group and he will give this information to Council Member Edsall.

Supervisor Livsey informed everyone that the Hudson Highlands Land Trust will hold a Community Forum on invasive species on April 13, 2013 at the Highlands Country Club in Garrison. The Supervisor said that free lunch will be served.

FINANCIAL

Accounts Payable:

Supervisor Livsey said the A/P for Water District #2 was \$7,185.36, the Trust & Agency was \$1,206.30 and the regular A/P was \$133,188.19.

Supervisor Livsey said the electric bill at Patriot Park seemed high and he asked Council Member Edsall to look into it.

Supervisor Livsey gave an update on dog licensing.

Supervisor Livsey reported that the Town has cut the heating bill in half since switching to natural gas.

Supervisor Livsey said he doesn't believe that combining the Town and Village Planning Boards will cost twice as much and he doesn't think there is a need for two (2) Boards. The Supervisor said that the Town, Village and State all have codes and it has been suggested that the Town and Village follow the State code. The Supervisor stated that he hopes something to be done by 2015.

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Mr. Rider informed the Board that the Town Planning Board is looking at the Subdivision Regulations and they would like to look at the Village's in hopes of possibly adopting something similar.

BOARD REPORTS

Council Member Gunza:

Council Member Gunza said the Dog Control Officers are doing a great job and also thanked the police for their part.

Council Member Gunza said the Police Department and Ambulance Corps are doing well. Ms. Gunza said Capt. Stroppe is putting in a lot of hours and he might look into hiring a couple more EMTs to put in the pool.

Capt. Stroppe reported that the last two (2) hires have taken the place of two (2) other EMTs that are not working (1-broken leg and 1-resignation).

Supervisor Livsey reported that the Annual Report (AUD) is complete and filed with the State. The Supervisor thanked Comptroller Blauvelt for all her hard work.

Council Member Stradley:

Council Member Stradley said he spoke to Jim Willis and there is a program to help children play sports that cannot afford the fees.

Council Member Stradley said the Highway Department is working well and the Dial-A-Bus is status quo.

Council Member Edsall:

Council Member Edsall said the Sewer Plant is running good.

Council Member Edsall reported that the Planning Board has Homeland Towers in front of them again and they are requesting to move ahead with putting a tower on the Holiday Inn Express property. Mr. Edsall said the Planning Board and Zoning Board are moving parallel with this project.

Mr. Rider said the SEQR Review is taking place and Homeland Towers might be asked to prove what other sites were researched. Mr. Rider said the Zoning Board cannot act until the SEQR is obtained by the lead agency, which in this case is the Planning Board.

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Council Member Edsall said that if the project is not allowed to go forward, the Town could end up in Federal Court.

SUPERVISOR'S REPORT

Supervisor Livsey said there is a local young man attending Rockland Community College who is interested in being sponsored by the Town to attend the Police Academy at his expense. The Supervisor said he would talk to the Chief after the meeting.

Supervisor Livsey said there is a problem with Bea Dyroff's sewer points that needs to be squared away. The Supervisor advised the public that if anyone had a problem, they could contact himself or any Board Member.

Supervisor Livsey said he is waiting for an answer from Orange County about the demolition of the buildings at the Fort Marina.

ATTORNEY'S COMMENTS

Mr. Rider has a resolution to amend the Cemetery Rules & Regulations.

Council Member Gunza made a motion seconded by Council Member Stradley to adopt the resolution amending the Cemetery Rules and Regulations of the Town of Highlands: Sales of Graves and Plots.

RESOLUTION ADOPTED: 4-eyes (Livsey, Edsall, Stradley, Gunza)
0-nays
1-absent (Gokey)

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

UNFINISHED BUSINESS

Fort Montgomery Marina & Contract with Scenic Hudson:

Supervisor Livsey stated that the Town is at a stale mate in reference to the demolition of the buildings at the marina.

Council Member Edsall said he wants to see what Orange County has to say.

Supervisor Livsey said it is an environmental issue.

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Mr. Rider said the language does not protect the Town yet and changes will be made.

Supervisor Livsey said he is not sure how much Parkland Fees can be used at the Marina. The Supervisor also stated that no taxpayer money will be used at the marina if it can be helped.

Court Attendant Update:

Supervisor Livsey reported that Assemblyman Skoufis has put in a Bill to the Assembly and Senator Larkin is looking into putting a similar Bill to the Senate.

Laurie Tautel, Assemblyman Skoufis' Chief of Staff, reported that CHIPS money has gone up from \$17,956.74 to \$23,229.95.

Supervisor Livsey stated that the Town now has positions for 6 Court Attendants.

Chief Quinn said he had a meeting to discuss creating these positions and the criteria needs to be set up for these positions before anything is presented to the Board.

Council Member Gunza said strides are being made to cure this problem.

GENERAL BUSINESS

2013 Dial-A-Bus Agreement:

Supervisor Livsey said has the 2013 Dial-A-Bus agreement and would like the Board to authorize him to sign it.

Council Member Edsall made a motion seconded by Council Member Gunza to authorize the Supervisor to sign the 2013 Dial-A-Bus Agreement.

RESOLUTION ADOPTED: 4-eyes (Livsey, Edsall, Stradley, Gunza)
0-nays
1-absent (Gokey)

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

Volunteer Recognition Brunch Donation:

Supervisor Livsey said he has received an invitation for the RSVP Volunteer Recognition Brunch and a request for sponsorship. The Supervisor would like the Town to be a Gold Sponsor again this year which is \$125.

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Council Member Edsall made a motion seconded by Council Member Stradley to allow the Town to be a Gold Sponsor for the brunch with a donation of \$125.

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

Appoint Christina Stradley to Clerk:

Council Member Edsall made a motion seconded by Council Member Gunza to appoint Christina Stradley to the position of Clerk effective March 12, 2013 at the present salary for 25 hours/week through December 2013.

MOTION CARRIED: 2-eyes (Livsey, Edsall, Gunza)
0-nays
1-absent (Gokey)
1-abstain (Stradley)

IT/Internet Usage:

Supervisor Livsey reported that there has been a problem with IT and the Town has spent about \$3,000 trying to figure it out. The Supervisor said he would like to know what happened and why. Supervisor Livsey said there will be a new Internet Policy instituted and there will be a Department Head meeting on Thursday to discuss internet usage.

Council Member Edsall said he would be interested to see what level of protection other Towns have.

Council Member Gunza said new procedures are necessary.

Supervisor Livsey asked everyone to make a note when something doesn't work on their computers after IT has worked on it. The Supervisor said they have been trying to charge the Town when they have to come back and fix something that wasn't broke before they worked on the computer.

Council Member Edsall asked if the Town emails would be changing.

Council Member Gunza said they would be.

Resignation/Hire of Police Officer:

Supervisor Livsey has a resignation from Police Officer Aneuti Hernandez effective March 22. The Supervisor read his resignation letter, which was very nice.

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Council Member Gunza made a motion seconded by Council Member Stradley to accept the resignation of Anueta Hernandez.

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

Supervisor Livsey has an application from Lori Bailey for a part-time Police Officer position.

Council Member Edsall asked what the relationship was between Ms. Bailey and Detective Bailey.

Supervisor Livsey said they were husband and wife, but the Chief assures that they will not be working the same shifts.

Council Member Stradley asked if the Chief expected any more officers to be leaving.

Chief Quinn said he expects two (2) more officers to be leaving in the near future.

Council Member Edsall made a motion seconded by Council Member Gunza to hire Lori Bailey as a part-time Police Officer at the beginning salary and for the maximum probationary period.

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

Resignation of EMT:

Supervisor Livsey has a resignation from Jason Stroppel. The Supervisor said this letter is not signed and he has been told that Mr. Stroppel has moved to Florida.

Council Member Edsall made a motion seconded by Council Member Stradley to accept the resignation of EMT Jason Stroppel.

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

Ambulance Billing Contract:

Supervisor Livsey reported that Capt. Stroppel informed him that this contract is the same as last year. The Supervisor said that Capt. Stroppel checked with two (2) companies and Evolution offered the best deal.

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Council Member Edsall made a motion seconded by Council Member Gunza to authorize the Supervisor to sign the contract with Evolution for the Ambulance billing.

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

PBA/Employees' Association:

Supervisor Livsey said the PBA agreement has been finalized and the Board will look at the Employee's Association Contract again at the next meeting.

Water District #2 Project Bid:

Supervisor Livsey stated that the amendment to the Water District #2 bid is on his table for anyone to review.

PUBLIC COMMENT

There was no public comment.

ADJOURN

Council Member Stradley made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 8:15pm.

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

Attest,

RESOLUTION

OF

MARCH 25, 2013

A RESOLUTION AMENDING THE
CEMETERY RULES AND REGULATIONS
OF THE TOWN OF HIGHLANDS:
SALE OF GRAVES AND PLOTS

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

WHEREAS, the Town Board of the Town of Highlands has heretofore adopted Rules and Regulations applicable to the Eagle Valley Cemetery and additional cemeteries under the control of the Town of Highlands in December, 1989, which were last revised in June, 1993 (the “Cemetery Rules and Regulations”); and

WHEREAS, upon diligent review, the Town Board has determined that it is in the best interests of the Town to amend the Cemetery Rules and Regulations; 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,

The Section of the Rules and Regulations entitled “Sale of Graves and Plots” is hereby revised to read as follows:

“SALE OF GRAVES AND PLOTS

Single Grave Plot – 4’ X 10’ - \$650.00

Two Grave Plot – 8’ X 10’ - \$1,300.00

Interment, Disinterment and Monument services to be arranged by and at the expense of person or persons responsible for the disposition of the deceased in accordance with the rules and regulations of this cemetery.

Cemeteries are permitted to use their own discretion in fixing lot prices. The conveyance of each plot or grave must be signed by the Supervisor or legally appointed Deputy or Highway Superintendent or legally appointed Deputy, of the Town of Highlands. The document of sale of description showing the dimensions of the property, the section, column, row, plot or grave

numbers, as they appear on the cemetery map. Should it be determined, upon attempt to complete a burial, that a plot or grave is not suitable for use because of underground rock ledge which would cause undue hardship and expense to the plot or grave owner, as determined by the Town Supervisor, Deputy Supervisor, or the Town Board Member appointed as liaison to the Cemetery, the Cemetery will be liable only for a substitution of the Plot or Grave determined to be useable and reimbursement for the reasonable and usual cost of excavation expended to that point at the replaced Plot or Grave. Should it be determined upon attempt to complete a burial, that rock conditions in a plot or grave require the use of heavy equipment to remove the rock and complete the excavation of the grave, as determined and certified in writing on the attached form by the Town Supervisor, Deputy Supervisor or Town Board member appointed as liaison to the Cemetery Committee, then the Town officer making such determination may authorize the use of Town heavy equipment to remove the rock in order for the excavation of the plot or grave to be completed in writing on the Form set forth at the end of this Section, a copy of which shall be filed with and maintained by the Town Clerk.

Since the sale of a cemetery plot or grave does not convey title to the land but, rather, conveys only burial rights, it is not practical to record the deed of sale. However, the rights of the lot owner(s) are defined and protected by law and the cemetery.

The State of New York has determined that it is contrary to public interest for cemetery property to be used for profit-making purposes, and the resale of lots by the purchaser is, therefore, prohibited. Lot owners may dispose of their burial rights under certain conditions:

If the lot has not been used for burials, the lot must first be offered to the cemetery at the original price, plus simple interest of four percent per year. If the cemetery refuses, in writing, to repurchase it, the lot may be offered to an outside buyer. However, cemetery property may not be sold to funeral directors or brokers for the purpose of resale. Cemetery approval is required after the owner has obtained a buyer. Forms for the resale of lots will be provided by the cemetery upon request. Lot owners cannot permit interments in their lots for remuneration.

Burial rights obtained through inheritance should be recorded with the cemetery by the heir filing an affidavit of inheritance with the Town. Section 1512(b) of the Not-for-Profit Corporation Law, regarding ownership of lots, states that unless specifically devised (i.e., the lot is specifically mentioned in a will and left to a specific person or persons) the cemetery lot goes to the descendants of the lot owner. A transfer of burial rights by gift also requires that satisfactory evidence be submitted to the Cemetery, in affidavit form, to establish that a bona fide gift has, in fact, been made.

In the above cases, as well as in other matters of administration, the Town may rely on the affidavit of anyone who, in its judgment, is or should be acquainted with the necessary facts. No liability of any sort shall attach to or be imposed upon the Town because of any action taken or not taken in reliance on such affidavits.

It is important that the current address of the plot and single grave owner be on file with the Eagle Valley Cemetery c/o Town Clerk, Town of Highlands at all times. Any notice sent to a

lot owner by the Cemetery shall be sent to the last address on file and shall be considered to be sufficient and proper legal notification.

Permanent Maintenance will be provided by the Town of Highlands as a part of the purchase price of the plot or grave. Trust Funds or Endowment Funds for the care and maintenance of specific plots or graves will not be accepted.”

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**

Holly Gokey, Councilwoman voting **Absent**

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 March 25, 2013.

June Patterson, Town Clerk

RESOLUTION

OF

MARCH 25, 2013

A RESOLUTION OF THE
THE TOWN OF HIGHLANDS TO
AUTHORIZE EXECUTION OF AN AGREEMENT
BETWEEN THE TOWN OF HIGHLANDS
AND ORANGE COUNTY FOR
NEW YORK STATEWIDE MASS TRANSPORTATION
OPERATING ASSISTANCE PROGRAM

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

WHEREAS, the County of Orange has determined there is a need to provide affordable transportation to the residents of the County that live in rural areas, and

WHEREAS, the County of Orange has determined that a joint effort with the local municipality is the most proficient way to provide such services to the residents, and

WHEREAS, the Town of Highlands is in agreement with the County of Orange findings for the needs and administration of such services, and

WHEREAS, it is required by the County of Orange that the Town Board approve the 2013 Bus Operator Agreement, its form and manner of execution, and

NOW, THEREFORE BE IT RESOLVED, that we the Town Board of the Town of Highlands approve the document entitled "Bus Operator Agreement" as to its form and manner of execution and authorizes the Supervisor to sign the agreement.

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**

Holly Gokey, Councilwoman voting **Absent**

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 March 25, 2013.

June Patterson, Town Clerk