

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, June 24, 2013 at Town Hall, 254 Main Street, 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
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

Supervisor Livsey opened the meeting at 7:00pm.

Supervisor Livsey asked for a moment of silence for recently deceased Max Bayse.

MINUTES

Council Member Gunza made a motion seconded by Council Member Gokey to approve the minutes from the June 10, 2013 Town Board meeting.

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

COMMUNICATIONS

Supervisor Livsey said he received a certified letter from Transmission Developers, Inc. regarding the Champlain Hudson Power Express Transmission Project. The Supervisor said the only thing that might pertain to them would be the outflow at the Sewer Plant. The Supervisor said he is not sure how to answer and gave the letter to Mr. Rider.

Supervisor Livsey said Mr. Rider wrote a letter in response to Homeland Towers letter about a tower on Town owned property stating that the Town is agreeing to further exploration.

Supervisor Livsey received a certified letter from Homeland Towers asking for a response from the Town by July 8. The Supervisor said he will send them a letter tomorrow which will state that, because of the holiday, the Town will not meet the July 8 deadline, but that doesn't mean the Town is not interested.

PUBLIC COMMENT

Laurie Tautel, Assemblyman Skoufis' Chief of Staff, urged the Board to reach out to the Supervisor in Stony Point and Assemblyman Skoufis in regards to the Champlain Hudson Power Express Transmission Project.

(Council Member Stradley arrived)

FINANCIAL REPORTS, REQUESTS & RESOLUTIONS

Reserve Funds:

Supervisor Livsey said he asked Ms. Blauvelt and Mr. Rider to research Reserve Funds. The Supervisor said Ms. Blauvelt did an extensive search and it has been determined that the withdrawal from A-Fund Reserve was legal. The Supervisor said this money will need to be put in funds with a purpose.

Mr. Rider said the Board would need to take look and see what is best for the money and that any transfer of money must be made to the same tax base.

Supervisor Livsey said that Reserve Fund was wrongly funded for years and the Board is now working to correct it.

Fiscal Stress:

Supervisor Livsey stated that Ms. Blauvelt attended a seminar about fiscal stress. The Supervisor asked Ms. Blauvelt to explain.

Ms. Blauvelt explained that the seminar was given by the State Comptroller's Office and the Towns were ranked by their AUD's that are filed each year. Ms. Blauvelt said that there are different levels of fiscal stress and the Town did great at a rate of 22%. Ms. Blauvelt provided the Board with a handout.

Bills & Payments:

Supervisor Livsey said the June 2013 Accounts Payable payments were \$72,457.11, the Water District #2 payments were \$1,646.50 and the Trust & Agency payments were \$450.50.

Budget Transfer:

Council Member Gokey made a motion seconded by Council Member Gunza to approve the budget transfer of \$1,000 from Ambulance Supplies to Ambulance Transportation.

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

0-nays

BOARD REPORTS

Council Member Gokey:

Assessor:

Council Member Gokey said the Assessor's Office is working to get the Roll filed by July 1. Ms. Gokey said Grievance Day was held recently and the Board of Assessment Review is working on a couple of issues.

Building:

Council Member Gokey said the Building Department has referred some issues to the Planning Board and she has not heard anything back yet.

IT:

Council Member Gokey said the new memory for the Building Department's computers should be shipped June 28 and installed the first week of July.

Ms. Blauvelt informed Council Member Gokey that the memory had already been installed.

Council Member Gunza:

Ambulance:

Council Member Gunza said that the Ambulance has been very busy. Ms. Gunza said that the Highland Falls Fire Department, Fort Montgomery Fire Department and the Town of Highlands Ambulance have worked professionally and efficiently at some recent calls.

Police:

Council Member Gunza said the Police Department is ready to hire some Court Attendants.

Council Member Stradley:

Council Member Stradley had nothing to report.

Council Member Edsall:

Marina:

Council Member Edsall said there was a meeting of the "New Friends of Mine Dock Park" and a clean-up was put together for next Saturday. Mr. Edsall said there will be a meeting every other Saturday and anyone who is interested in getting involved should just show up. Mr. Edsall said the question of taking down the steel structure was brought up and it was determined that there will be no negative impact if the white building is taken down.

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Sewer Plant:

Council Member Edsall reported that there was a pump failure at the Fawnwood Ln station, but there was no spill. Mr. Edsall spoke to Doug William about the esthetics and he will address those issues.

Brooks Park Pavilion:

Council Member Edsall said the Brooks' Pavilion is moving along.

Supervisor Livsey asked Supt. Squicciarini when the benches and tables will be put in.

Supt. Squicciarini said about 1-2 weeks.

Supervisor Livsey announced that anyone who wishes to rent the pavilion should call the Recreation Department.

Council Member Edsall suggested putting on the next agenda a discussion on the parking at the Marina.

SUPERVISOR'S REPORT

Probation:

Supervisor Livsey reported that the following employees have completed their probationary period: Michael Nanartowich and William O'Dell – Dial-A-Bus Drivers; Lisa Borra-Clerk; Christine McCormick-Court Clerk; Robert Falcone, Kyle Shorette, Christopher Ruiz, Derek MacDonald and Michael Murphy all EMTs.

July 4th Celebration:

Supervisor Livsey said that there will be a 4th of July celebration this year and for many more years to come. The Supervisor said that if anyone wishes to help with the celebrations, they should contact a Committee member.

Cadet Reception:

Supervisor Livsey said he was informed by Barbara Pollack that there will be a Cadet reception at the Hotel Thayer this Saturday from 3-5pm. The Supervisor thinks the Board should attend this event.

Cemetery Committee:

Supervisor Livsey would like to appoint some individuals to handle the matters at the cemeteries. The Supervisor would like to appoint two (2) previous members of the Cemetery Committee and one (1) new member.

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Council Member Edsall made a motion seconded by Supervisor Livsey to appoint Dave Tonneson, Joe McCormick and Pharoby Ripa to be on the Cemetery Committee.

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

UNFINISHED BUSINESS

Sanitation Bids:

Supervisor Livsey said the Town received two (2) bids for sanitation disposal. The Supervisor said one was from AAA Carting for \$1,423,928.24 and the other was from IWS for \$1,773,100.21.

Council Member Gokey made a motion seconded by Council Member Gunza to reject the two (2) bids that were received for sanitation disposal.

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

Sanitation District:

Supervisor Livsey asked Council Member Gokey if she had gotten anywhere with this or heard anything from the Village.

Council Member Gokey said she hadn't.

Supervisor Livsey would like to have a meeting with himself, Council Member Gokey, Supt. Squicciarini and Mayor Flynn.

Council Member Gokey said she has the points.

Supt. Squicciarini said the points need to be looked at.

Assessor's Appointment:

Supervisor Livsey said the Assessor's term expires October 31, 2013. The Supervisor said he has not received a letter from Ms. Talman, but expects to soon. The Supervisor believes the Town is not required to advertise for this position.

Medical Insurance:

Supervisor Livsey stated the Town is considering changing health insurance companies and a meeting was held with the full-time employees and a representative from CDPHP. The Supervisor said that, except for the Highway employees, all seem to be okay with the change. The Supervisor will send a letter to the Highway employees asking if they are going to stay with NYSHIP and inform them that if they do, it will only be for the duration of their current contract.

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Public Hearing Local Law #1 2013 – Parking on Fawnwood:

Supervisor Livsey said this public hearing was supposed to be tonight, but because the notice didn't get to the paper in time, it will need to be re-scheduled.

Council Member Edsall made a motion seconded by Council Member Stradley to re-schedule the Public Hearing for Local Law #1 of 2013 – No Parking on Fawnwood Lane for July 8 at 7:00pm.

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

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

Health Insurance:

Ms. Blauvelt informed the Board that CDPHP also offers dental which would be at the employees' expense and Vision which is very minimal and Ms. Blauvelt would ask the Town Board to add it to the Health Insurance plan.

GENERAL BUSINESS

Custodian:

Supervisor Livsey said the Board has discussed the custodian position and has decided to abolish the position.

Council Member Gunza made a motion seconded by Council Member Gokey to abolish the position of Custodian effective July 8, 2013.

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

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

Expenditure from FMSIA Reserve Fund:

Council Member Gokey made a motion seconded by Council Member Gunza to adopt the resolution authorizing an expenditure of up to \$60,000 from the FMSIA Reserve Fund for a purchase of a generator at the Sewer Plant.

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

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

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Generator at Town Hall

Supervisor Livsey said that Mr. Squicciarini has a new generator at the Highway Garage that he would like to hook up at the Town Hall for the sump pumps and furnace. The Supervisor said if the Town receives money from the State another one can be purchased.

The Board agreed to allow Mr. Squicciarini to hook up the generator at the Town Hall.

Court Attendants:

Supervisor Livsey said there are people ready to work. The Supervisor spoke to Scott Liebert about the cost of insuring the Court Attendants and was told it would be \$920 for full-time and \$320 for part-time.

Chief Quinn said there were 24 applicants and all were offered interviews. The Chief said the best six (6) were selected and are ready to begin working on July 2 if the Board is okay with that.

Council Member Gunza made a motion seconded by Council Member Gokey to appoint Simeone Naemit, Edward Prendergast, Lynn Hayes, Andrew Russian, Angelo Hernandez and Michael Mulcahy as part-time Court Attendants at a starting salary of \$17.10 per hour and at the maximum probationary period.

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

Supervisor Livsey said he was informed by Chief Quinn that it will cost \$6,656 to outfit the Court Attendants and the money will be taken from the Contingency Fund or A-Fund.

Salary Amendments:

Council Member Gunza made a motion seconded by Council Member Gokey to amend the Salary Schedule to reflect the Senior Court Attendant receiving \$18.50 per hour.

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

Supervisor Livsey said he received a request from Jim Willis to raise Kelly Hall's salary because of the added responsibility of supervising the Summer Playground Program.

Council Member Gokey made a motion seconded by Council Member Stradley to increase Ms. Hall's salary from \$14.29 to \$15.29 per hour.

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

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Court Attendants:

Supervisor Livsey said he received a letter from Chief Quinn asking that Daniel Zint be re-instated to carry his weapon as long as he meets the firearms qualifications. The Supervisor said the Chief also requested that the Town Board provide authorization for all Court Attendants to carry weapons as long as they meet the annual firearms certification.

Mr. Rider reminded the Board that he already informed them of the liability risk.

Council Member Gokey made a motion seconded by Council Member Stradley to allow Daniel Zint and the other Court Attendants to carry a weapon as long as they meet the annual firearms certification.

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

Supervisor Livsey stated that it has been requested that the Court Attendants receive a minimum of 3 hours pay when they are working.

Chief Quinn said that he would like the Court Attendants to receive a minimum of 3 hours of pay even if court lasts only an hour.

Council Member Gokey made a motion seconded by Council Member Gunza to pay the Court Attendants a minimum of 3 hours salary when working court.

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

July 4th:

Supervisor Livsey said there has been a request from the Village for the Town Police to be present at the July 4th festivities.

Chief Quinn said he has one (1) officer so far that has committed to that day and another maybe.

Police Academy:

Supervisor Livsey said he has a request for the Town to sponsor Richard Lyman for Phase 2 at the Ulster County Police Academy.

Chief Quinn said Mr. Lyman needs to be sponsored for Phase 2 and once he completes this phase, he will be able to work for the Town. The Chief said there will be no cost to the Town and the only thing the Town will provide him with is a weapon.

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Council Member Stradley made a motion seconded by Council Member Edsall to sponsor Richard Lyman for Phase 2 at the Ulster County Police Academy.

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

Council Member Gunza said she is okay with this and if a local individual needs this, she would like to see it happen.

Supervisor Livsey said Chief Quinn would like to meet with the Board to discuss the 2014 contract.

Chief Quinn:

Chief Quinn reported that there will be construction on the two bridges on 9W. The Chief said the road will be one lane and he will ask the Foreman to put up a State sign warning motorists.

Chief Quinn informed the Board that the new Police Car is almost ready and will be in-service soon.

PUBLIC COMMENT

Pharoby Ripa asked if the Board intends to do something about the limited parking at Brooks Park once the pavilion is complete.

Supervisor Livsey said the Town is aware of the problem, but does not have any plans.

Konstantinos Fatsis explained that the Community Service Program is going great and a lot of work is getting done in the Town/Village. Mr. Fatsis said that Capt. Stroppel is doing a great job supervising the work being done. Mr. Fatsis suggested getting together and looking at some other options.

Supervisor Livsey said there is a lot of work being done at the marina and he is sure someone will take someone from the program.

Edward Magryta asked the Board what was wrong with the A-Fund Reserve.

Supervisor Livsey explained that the fund was originally set up wrong and the Board is working to correct it.

Mr. Magryta is concerned with the July 4th Celebration and suggested that maybe the Town and Village should take control of it.

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Supervisor Livsey said he would be more than happy to sit down with Mayor Flynn.

Ms. Ripa stated that she would like to see more people participate in the 4th of July Celebration instead of the Town and Village taking it over.

Supervisor Livsey agreed with Ms. Ripa.

Supervisor Livsey thanked Merv Livsey, Jr. for all he did to get the pavilion at Brooks Park.

Supervisor Livsey said the members of the 4th of July put in a lot of work and there will be a celebration this year and for many years to come.

EXECUTIVE SESSION

Council Member Gunza made a motion seconded by Council Member Edsall to go into executive session to discuss a Police Personnel issue. Board went into executive session at 8:48pm.

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

Council Member Stradley made a motion seconded by Council Member Gokey to close the executive session. Executive session closed at 9:15pm.

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

ADJOURN

Council Member Stradley made a motion seconded by Council Member Gokey to adjourn the meeting. Meeting adjourned at 9:16pm.

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

Attest,

RESOLUTION

OF

JUNE 24, 2013

A RESOLUTION OF THE TOWN BOARD
ABOLISHING THE POSITION OF CUSTODIAN

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

WHEREAS, the Town of Highlands has previously hired custodial workers as employees in the Labor Class of Orange County Civil Service; and

WHEREAS, the Town Board has determined that independent contractors for custodial work is preferential to the use of employees and will seek a request for proposals for custodial services; and

WHEREAS, the adoption of said policy 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 as follows:

1. That the Town will no longer employ custodial workers from the Labor Class of Orange County Civil Service.
2. That the Supervisor is hereby authorized and empowered to solicit proposals from independent contractors for custodial services and 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, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and agreements.
3. That the aforesaid resolutions 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	Aye
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 June 24, 2013.

June Patterson, Town Clerk

RESOLUTION

OF

JUNE 24, 2013

A RESOLUTION TO INTRODUCE AND
RE-SCHEDULE A PUBLIC HEARING TO RECEIVE
PUBLIC COMMENTS CONCERNING THE ENACTMENT OF
A LOCAL LAW ADDING SECTION 134-18
“PARKING PROHIBITED AT ALL TIMES”
TO CHAPTER 134 ENTITLED
“PARKING”
OF THE CODE OF THE TOWN OF HIGHLANDS:
FAWNWOOD LANE

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

BE IT RESOLVED, that INTRODUCTORY LOCAL LAW NO. 1 OF 2013 entitled “A Local Law Adding §134-18 ‘Parking Prohibited at All Times’ to Chapter 134 entitled ‘Parking’ of the Code of the Town of Highlands: Fawnwood Lane” be and hereby is introduced before the Town Board of the Town of Highlands in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that pursuant to Municipal Home Rule Law Section 20, a public hearing was scheduled concerning the enactment of said Local Law on June 24, 2013 at 7:00 p.m. at the Town Hall located at 254 Main Street, Highland Falls, New York, but the notice was not published in a timely fashion, and

BE IT FURTHER RESOLVED that pursuant to Municipal Home Rule Law Section 20, a public hearing shall be held to receive comments concerning the enactment of said Local Law on July 8, 2013 at 7:00 p.m. at the Town Hall located at 254 Main Street, Highland Falls, New York, and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing specifying the time when and the place where such public hearing will be held by publication and posting in accordance with the Municipal Home Rule Law.

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	Aye
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 June 24, 2013.

June Patterson, Town Clerk

RESOLUTION

OF

JUNE 24, 2013

A RESOLUTION TO AUTHORIZE
EXPENDITURE FROM
THE FMSIA RESERVE FUND

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

WHEREAS, the Town Board of the Town of Highlands pursuant to Section 6-c of the General Municipal Law of New York State heretofore established a capital reserve fund for the purpose of making capital improvements to the Sewer Plant, known as the FMSIA Apparatus Reserve Fund; and

WHEREAS, the Town Board desires to authorize the expenditure of up to Sixty Thousand and 00/100 Dollars (\$60,000.00) from said capital reserve fund to make purchase and install a generator as a back-up source of power for the operations of the Sewer Plant; and

WHEREAS, the expenditure from said reserve fund 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.

NOW, THEREFORE, BE IT RESOLVED, an expenditure not to exceed the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00) is hereby authorized from the FMSIA Apparatus Reserve Fund to purchase and install a generator as a back-up source of power.

BE IT FURTHER RESOLVED, that the foregoing resolution is adopted subject to permissive referendum.

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	Aye
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 June 24, 2013.

June Patterson, Town Clerk