

## **TOWN BOARD**

The Town Board, Town of Highlands, held a special meeting and budget workshop on Monday, September 16, 2013 at Town Hall, 254 Main St, Highland Falls, NY at 6:45pm.

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

Supervisor Livsey opened the special meeting at 6:50pm.

Supervisor Livsey said he asked for the meeting to be earlier because he was hoping to have the Town and Village sign the water contract before the budget workshop.

### **WATER SUPPLY AGREEMENT – FIFTH AMENDMENT**

Supervisor Livsey said he asked that two (2) words be added to the contract and the Village attorney did not like that and spoke to Trustee Mellon who said the Village Board probably would not sign it with the change. The Supervisor said Mr. Squicciarini said a chlorinator and meter may not be needed.

Mr. Rider said the Board can pass it with the new words and see what the Village says.

Mr. Squicciarini said that the more users on the system, the better quality of water and he would like to monitor the water for about a year before a decision is made about a chlorinator.

The Board discussed meters.

Mr. Squicciarini recommended that the Board sit down with the Village and discuss what meter is needed.

Mr. Rider said the only changes to the agreement was less gallons and the words recommend and approved by the Village engineer were added.

Mr. Squicciarini suggested putting money in escrow and use that money to purchase a chlorinator if it is needed.

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Mr. Rider said the Settlement just paid \$300,000 towards the project and if the Memorandum of Understand is signed they will provide another \$200,000. Mr. Rider further stated that when the project goes to Phase II, the Settlement will pay an additional \$300,000, which is most of the Phase II costs.

Supervisor Livsey said he would like the Board to allow him to sign the agreement and also allow him to bargain with the Village for gallons.

**Fifth Amendment to Water Supply Agreement:**

Council Member Edsall made a motion seconded by Council Member Gunza to authorize Supervisor Livsey to sign the agreement with the added verbiage and discuss gallons with the Village.

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

**Resolution – Authorize Contract between Fredman Water Trust & Town (Phase II):**

Supervisor Livsey said he would like to table this resolution until the next meeting.

**Resolution – Change Order #2:**

Mr. Rider reviewed the changes.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution to approve Contract Change Order #2 for Highlands Water District No. 2.

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

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

**Resolution – Change Order #3:**

Mr. Rider reviewed the changes.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution to approve Contract Change Order #3 for Highlands Water District No. 2.

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

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

**Resolution – Change Order #4:**

Mr. Rider reviewed the changes.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution to approve Contract Change Order #4 for Highlands Water District No. 2.

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

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

**Council Member Edsall:**

Council Member Edsall said the Police Department is funded by residents outside the Village and he thinks it should be funded by all the residents. Mr. Edsall asked Chief Quinn what percentage of his officers' time is spent outside Fort Montgomery.

Chief Quinn said about 50% of the time is spent in Fort Montgomery and the rest is patrolling the remainder of the Town.

Mr. Rider said he would check to see if anything can be spread throughout the entire tax base.

**BUDGET**

**Police (Public Safety):**

The Board reviewed the Police budget with Chief Quinn and Ms. Blauvelt.

The Board discussed new cars for the Police Department and how they will be funded. The Board agreed to re-visit this item at a later date.

**Communications:**

Council Member Gokey said she believes that the tower payments are almost done.

Detective Bailey said 2014 is the last year for the \$175,000 payment and then the Town will just pay for maintenance. Detective Bailey also stated that the Town will no longer be paying rent on the Skunymunk tower which will save \$500 per month.

**Dog Control:**

The Board discussed this budget.

Detective Bailey said he would like to raise the hours of the second person.

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Supervisor Livsey said there needs to be someone on call 24/7 and he suggested paying, maybe \$35, for any call outs they may receive. The Supervisor said the Board should look at the fees to see if something like that can be worked out.

Detective Bailey said he would like to add a third person and only pay them when they get called out.

Supervisor Livsey said it was something to look at.

The Board continued to discuss the Dog Control budget which included equipment and updates to the building.

### **Fire District:**

Supervisor Livsey said the Town Board has no say with the Fire District budget.

### **Library:**

Supervisor Livsey said the Library has increased their budget and he would like to cut 5% from their budget.

Ms. Blauvelt said their salary line has increased by \$6,000.

Council Member Gokey said they want extra people to stay open late two (2) nights a week.

Council Member Edsall said he would like some clarity on some things.

The Board discussed the extra money and what to do with it.

Supervisor Livsey suggested the Board leave the Library's budget flat and notify Mrs. Brahm that the Town did not accept any of the requested increases.

### **Recreation:**

Ms. Blauvelt informed the Board that Mr. Willis is planning on retiring in June 2014. Ms. Blauvelt stated that when someone retires they get paid for their vacation and the Board needs to budget for this expense.

The Board discussed the Recreation budget.

### **Misc.**

Council Member Gunza said she wanted to take another look at the Dog Control and Police and asked if the Board wanted to do that tonight or on September 30.

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Council Member Edsall said he is concerned with the 2% budget and discussed ways to possibly lower it.

The Board discussed abolishing the Police Department.

The Board also discussed possibly making some employees part-time.

**ADJOURN**

Council Member Edsall made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 10:10pm.

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

Attest,

RESOLUTION

OF

SEPTEMBER 16, 2013

A RESOLUTION TO AUTHORIZE  
THE TOWN OF HIGHLANDS TO  
ENTER INTO A FIFTH AMENDMENT TO  
THE EXISTING WATER SUPPLY AGREEMENT  
DATED NOVEMBER 6, 2003  
BETWEEN THE TOWN OF HIGHLANDS  
FOR AND ON BEHALF OF THE TOWN OF HIGHLANDS  
WATER DISTRICT NO.1 AND THE TOWN OF HIGHLANDS  
WATER DISTRICT NO. 2 AND  
THE VILLAGE OF HIGHLAND FALLS

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

WHEREAS, the Town of Highlands has negotiated a Fifth Amendment to the terms and conditions of the existing Water Supply Agreement dated November 6, 2003, and amended in June 2006, August 2009, July 2012 and July 2013 between the Town of Highlands for and on behalf of the Town of Highlands Water District No. 1 and the Town of Highlands Water District No. 2 and the Village of Highland Falls (hereinafter the "Water Supply Agreement") which will allow for the sale of more water from the Village to the Town; and

WHEREAS, the Town Board previously approved entering into the fifth amendment to the agreement on August 26, 2013, but the terms of the previously approved agreement have been further negotiated; and

WHEREAS, the Town Board deems it to be in the public interest for the Town of Highlands to enter into a fifth amendment to the Water Supply Agreement for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED; that the Supervisor be and he hereby is

authorized and directed to execute the Fifth Amendment to the Water Supply Agreement substantially in the form presented to the Board and attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, 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 resolutions and the terms and conditions of the Fifth Amendment to the Water Supply Agreement; and

BE IT FURTHER RESOLVED 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	<b>Absent</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Holly Gokey, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Aye</b>
Mervin R. Livsey, Supervisor	voting	<b>Aye</b>

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 September 16, 2013.

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June Patterson, Town Clerk

RESOLUTION

OF

SEPTEMBER 16, 2013

A RESOLUTION TO APPROVE CONTRACT  
CHANGE ORDER #2  
IN ACCORDANCE WITH CONTRACT  
DOCUMENTS ISSUED FOR BID  
FOR HIGHLANDS WATER DISTRICT NO. 2  
POTABLE WATER SYSTEM EXTENSION

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

WHEREAS, the Town of Highlands on behalf of Town of Highlands Water District #2 has passed an Order of Public Interest in the matter of the Town of Highlands Water District #2 Distribution System Extension (the "Project");

WHEREAS, the Town Board has been approved for funding of the Project through the New York State Drinking Water State Revolving Loan Fund (the "NYSDWSRF"); and

WHEREAS, the New York State Environmental Facilities Corporation (the "EFC") and New York State Department of Health (the "DOH") jointly administer the NYSDWSRF and award funding to a select number of municipalities in accordance with the applicable rules and regulations thereof; and

WHEREAS, the Project has been listed on the Final Readiness List of the Final Intended Use Plan for the NYSDWSRF for October 1, 2011 – September 30, 2012 as Project Number 18060 with a score of 155; and

WHEREAS, the Town Board has also received the consent of the New York State Comptroller to continue the Project; and

WHEREAS, the Town Board has contracted with the Samuel G. Fredman Water Trust in accordance with an Agreement entered into in June 2012, which contract allocates the responsibility for payment of the costs of the Project; and

WHEREAS, the Town Board received bids on the Project on April 3, 2013 at 11:00 a.m., and

WHEREAS, the Project Engineer, J. Robert Folchetti & Associates, L.L.C. performed a bid evaluation and recommendation to award in April 2013; and

WHEREAS, the Town Board of the Town of Highlands on behalf of Water District #2 did award the contract for the Project on April 15, 2013 to the lowest responsible bidder, Legacy Valve, LLC, to be performed in accordance with contract documents, at a base bid amount of \$1,058,648.00 and a total bid amount of \$1,216,109.00; and

WHEREAS, on July 27, 2013 the project engineer recommended a Change Order in the amount of \$31,400.00 as a result of greater than anticipated rock and the necessary length of piping for the Route 9W bore at School Street, which change order was approved by the Town Board on August 12, 2013; and

WHEREAS, on September 15, 2013 the project engineer recommended a Change Order #2 in the amount of \$14,000.00 to allow the Firefighter's Memorial Drive Main to be extended across the road at Mine Dock Road and to allow for installation of a hydrant to allow flushing of the line. As a result of the project being under budget and ahead of schedule this change order will not increase the cost of the project, in accordance with the J. Robert Folchetti & Associates Change Order Recommendation attached hereto as Exhibit "A" ("Change Order #2").

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands on behalf of Water District #2 does approve Change Order #2 in the amount of \$14,000.00; and

BE IT FURTHER RESOLVED, 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, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and the terms and conditions of the Change Order; and

BE IT FURTHER RESOLVED 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	<b>Absent</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Holly Gokey, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Aye</b>
Mervin R. Livsey, Supervisor	voting	<b>Aye</b>

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 September 16, 2013.

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June Patterson, Town Clerk

RESOLUTION

OF

SEPTEMBER 16, 2013

A RESOLUTION TO APPROVE CONTRACT  
CHANGE ORDER #3  
IN ACCORDANCE WITH CONTRACT  
DOCUMENTS ISSUED FOR BID  
FOR HIGHLANDS WATER DISTRICT NO. 2  
POTABLE WATER SYSTEM EXTENSION

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

WHEREAS, the Town of Highlands on behalf of Town of Highlands Water District #2 has passed an Order of Public Interest in the matter of the Town of Highlands Water District #2 Distribution System Extension (the “Project”);

WHEREAS, the Town Board has been approved for funding of the Project through the New York State Drinking Water State Revolving Loan Fund (the “NYSDWSRF”); and

WHEREAS, the New York State Environmental Facilities Corporation (the “EFC”) and New York State Department of Health (the “DOH”) jointly administer the NYSDWSRF and award funding to a select number of municipalities in accordance with the applicable rules and regulations thereof; and

WHEREAS, the Project has been listed on the Final Readiness List of the Final Intended Use Plan for the NYSDWSRF for October 1, 2011 – September 30, 2012 as Project Number 18060 with a score of 155; and

WHEREAS, the Town Board has also received the consent of the New York State Comptroller to continue the Project; and

WHEREAS, the Town Board has contracted with the Samuel G. Fredman Water Trust in accordance with an Agreement entered into in June 2012, which contract allocates the responsibility for payment of the costs of the Project; and

WHEREAS, the Town Board received bids on the Project on April 3, 2013 at 11:00 a.m., and

WHEREAS, the Project Engineer, J. Robert Folchetti & Associates, L.L.C. performed a bid evaluation and recommendation to award in April 2013; and

WHEREAS, the Town Board of the Town of Highlands on behalf of Water District #2 did award the contract for the Project on April 15, 2013 to the lowest responsible bidder, Legacy Valve, LLC, to be performed in accordance with contract documents, at a base bid amount of \$1,058,648.00 and a total bid amount of \$1,216,109.00; and

WHEREAS, on July 27, 2013 the project engineer recommended a Change Order in the amount of \$31,400.00 as a result of greater than anticipated rock and the necessary length of piping for the Route 9W bore at School Street, which change order was approved by the Town Board on August 12, 2013; and

WHEREAS, on September 15, 2013 the project engineer recommended a Change Order #2 in the amount of \$14,000.00 to allow the Firefighter's Memorial Drive Main to be extended across the road at Mine Dock Road and to allow for installation of a hydrant to allow flushing of the line, which change order was approved by the Town Board on September 16, 2013; and.

WHEREAS, on September 15, 2013 the project engineer recommended a Change Order #3 in the amount of \$4,000.00 to allow for the installation of pressure reducing valves when the Town is responsible for making connections to a home. As a result of the project being under

budget and ahead of schedule this change order will not increase the cost of the project, in accordance with the J. Robert Folchetti & Associates Change Order Recommendation attached hereto as Exhibit “A” (“Change Order #3”).

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands on behalf of Water District #2 does approve Change Order #3 in the amount of \$4,000.00; and

BE IT FURTHER RESOLVED, 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, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and the terms and conditions of the Change Order; and

BE IT FURTHER RESOLVED 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	<b>Absent</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Holly Gokey, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Aye</b>
Mervin R. Livsey, Supervisor	voting	<b>Aye</b>

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 September 16, 2013.

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June Patterson, Town Clerk

RESOLUTION

OF

SEPTEMBER 16, 2013

A RESOLUTION TO APPROVE CONTRACT  
CHANGE ORDER #4  
IN ACCORDANCE WITH CONTRACT  
DOCUMENTS ISSUED FOR BID  
FOR HIGHLANDS WATER DISTRICT NO. 2  
POTABLE WATER SYSTEM EXTENSION

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

WHEREAS, the Town of Highlands on behalf of Town of Highlands Water District #2 has passed an Order of Public Interest in the matter of the Town of Highlands Water District #2 Distribution System Extension (the “Project”);

WHEREAS, the Town Board has been approved for funding of the Project through the New York State Drinking Water State Revolving Loan Fund (the “NYSDWSRF”); and

WHEREAS, the New York State Environmental Facilities Corporation (the “EFC”) and New York State Department of Health (the “DOH”) jointly administer the NYSDWSRF and award funding to a select number of municipalities in accordance with the applicable rules and regulations thereof; and

WHEREAS, the Project has been listed on the Final Readiness List of the Final Intended Use Plan for the NYSDWSRF for October 1, 2011 – September 30, 2012 as Project Number 18060 with a score of 155; and

WHEREAS, the Town Board has also received the consent of the New York State

Comptroller to continue the Project; and

WHEREAS, the Town Board has contracted with the Samuel G. Fredman Water Trust in accordance with an Agreement entered into in June 2012, which contract allocates the responsibility for payment of the costs of the Project; and

WHEREAS, the Town Board received bids on the Project on April 3, 2013 at 11:00 a.m., and

WHEREAS, the Project Engineer, J. Robert Folchetti & Associates, L.L.C. performed a bid evaluation and recommendation to award in April 2013; and

WHEREAS, the Town Board of the Town of Highlands on behalf of Water District #2 did award the contract for the Project on April 15, 2013 to the lowest responsible bidder, Legacy Valve, LLC, to be performed in accordance with contract documents, at a base bid amount of \$1,058,648.00 and a total bid amount of \$1,216,109.00; and

WHEREAS, on July 27, 2013 the project engineer recommended a Change Order in the amount of \$31,400.00 as a result of greater than anticipated rock and the necessary length of piping for the Route 9W bore at School Street, which change order was approved by the Town Board on August 12, 2013; and

WHEREAS, on September 15, 2013 the project engineer recommended a Change Order #2 in the amount of \$14,000.00 to allow the Firefighter's Memorial Drive Main to be extended across the road at Mine Dock Road and to allow for installation of a hydrant to allow flushing of the line, which change order was approved by the Town Board on September 16, 2013; and.

WHEREAS, on September 15, 2013 the project engineer recommended a Change Order #3 in the amount of \$4,000.00 to allow for the installation of pressure reducing valves when the Town is responsible for making connections to a home, which change order was approved by the Town Board on September 16, 2013; and

WHEREAS, on September 15, 2013 the project engineer recommended a Change Order #4 in the amount of \$135,000.00 to allow for the extension of a water main up Brooks Lane. This extension has been contemplated if funds allowed and although the overall contract cost to Legacy Valve will be increased from \$1,247,509.00 to \$1,337,719.90, the costs of the overall project remain under budget and would be accomplished in a cost effective manner, in accordance with the J. Robert Folchetti & Associates Change Order Recommendation attached hereto as Exhibit "A" ("Change Order #4").

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands on behalf of Water District #2 does approve Change Order #4 in the amount of \$135,000.00; and

BE IT FURTHER RESOLVED, 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, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and the terms and conditions of the Change Order; and

BE IT FURTHER RESOLVED 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	<b>Absent</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Holly Gokey, Councilwoman	voting	<b>Aye</b>
William Edsall, Councilman	voting	<b>Aye</b>
Mervin R. Livsey, Supervisor	voting	<b>Aye</b>

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June Patterson, Town Clerk