

TOWN BOARD

The Town Board, Town of Highlands, held Public Hearings and a Regular Meeting on Monday, October 27, 2014 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
	June Gunza	----	Council Member
	Adrienne T. Voltaire	----	Council Member
	Justin Rider	----	Counsel
	Kelly Blauvelt	----	Comptroller
	June Patterson	----	Town Clerk

Supervisor Livsey announced that all Public Hearing Notices were published and posted.

LOCAL LAW #3 OF 2014 – Property Maintenance

Supervisor Livsey opened the public hearing for Local Law #3 of 2014 at 7:00pm.

Supervisor Livsey explained that this law mimics the Village law.

Mr. Rider explained the law in more detail.

Public Comment:

There was no public comment.

Council Member Edsall made a motion seconded by Council Member Voltaire to close the public hearing. Public hearing closed at 7:03pm.

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

FORT MONTGOMERY LIGHT DISTRICT

Supervisor Livsey opened the Public Hearing on the Fort Montgomery Light District at 7:03pm.

Mr. Rider said the amounts are based on the assessed value of the properties.

Public Comment:

There was no public comment.

Council Member Gunza made a motion seconded by Council Member Edsall to close the public hearing. Public hearing closed at 7:05pm.

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

WATER DISTRICT #1

Supervisor Livsey opened the public hearing at 7:05pm.

Supervisor Livsey said the information for this public hearing is available in the Town Clerk's office. The Supervisor said the rates are going up due to administrative costs.

Public Comment:

There was no public comment.

Council Member Edsall made a motion seconded by Council Member Gunza to close the public hearing. Public hearing closed at 7:07pm.

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

WATER DISTRICT #2

Supervisor Livsey opened the public hearing at 7:07pm.

Supervisor Livsey explained that the rates are going up because of the bond.

Public Comment:

There was no public comment.

Council Member Edsall made a motion seconded by Council Member Stradley to close the public hearing. Public hearing closed at 7:09pm.

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

SEWER IMPROVEMENT AREA

Supervisor Livsey opened the public hearing at 7:09pm.

Supervisor Livsey stated that the rate will be going up \$20 for Operations & Maintenance.

Public Comment:

There was no public comment.

Council Member Edsall made a motion seconded by Council Member Gunza to close the public hearing. Public hearing closed at 7:11pm.

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

2015 BUDGET

Supervisor Livsey opened the public hearing at 7:11pm.

Supervisor Livsey said there is a misconception on what the Town and Village pays in this budget. The Supervisor explained that all residents in the Town of Highlands pay for the A-Fund and Ambulance.

Supervisor Livsey was asked why the Town taxes went down and he explained it was due to the Town not having to pay for 911 communications. The Supervisor said the amount in that budget line went from \$208,000 to \$27,000.

Supervisor Livsey said the Board struggled with this budget and was able to come in \$2,000 under the tax cap. The Supervisor believes the Board put out a good budget.

Council Member Edsall said each year it becomes increasingly hard to find savings.

Council Member Stradley thanked Ms. Blauvelt for her hard work and also the employees for all they do.

Council Member Gunza said the Board did a lot of cutting this year and worked very to keep the budget down.

Council Member Voltaire agrees with the other Board Members and said this was definitely a learning experience for her.

Supervisor Livsey thanked Ms. Blauvelt.

Ms. Blauvelt said she participated in a webinar recently and she learned that fund balances should be used for big ticket items, not daily expenses. Mr. Blauvelt thanked the Board and Department Heads for their work on the budget.

Supervisor Livsey said the Ambulance Corps will probably getting a new ambulance next year. The Supervisor said there is \$128,000 in the reserve fund and extra was accounted for in the budget to pay for the ambulance.

Public Comment:

Sandy Capriglioni questioned the loss in revenue.

Ms. Blauvelt stated that is was mostly due to court fees.

Council Member Edsall made a motion seconded by Council Member Voltaire to close the public hearing. Public hearing closed at 7:28pm.

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

******REGULAR MEETING******

Supervisor Livsey opened the regular meeting at 7:28pm.

PUBLIC COMMENT

There was no public comment.

MINUTES

Council Member Edsall made a motion seconded by Council Member Gunza to approve the minutes from the September 22, 2014 Town Board meeting.

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

Council Member Edsall made a motion seconded by Council Member Voltaire to approve the minutes from the September 29, 2014 Town Board meeting.

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

COMMUNICATIONS

Supervisor Livsey received a letter from VISION asking to use Memorial Park for their Winterfest in December. The Supervisor will put this on the next agenda.

Supervisor Livsey said he has another cell tower company (LJS Development) interested in putting a cell tower up. The Supervisor is willing to listen to what they have to say. The Supervisor said they already sent him a lease proposal, which he gave to Mr. Rider.

Supervisor Livsey announced that on Thursday from 10am – 12pm, there will be a full blast test of the Indian Point sirens.

FINANCIAL REPORTS, RESOLUTION AND REQUESTS

Accounts Payable:

Supervisor Livsey said the payments on 10/3 were \$72,370.67 and the payments on 10/17 were \$93,361.92.

Budget Transfers:

Council Member Edsall made a motion seconded by Council Member Voltaire to approve the transfer of \$1,300 from Ambulance Retirement to Ambulance Contracted expenses.

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

Council Member Edsall made a motion seconded by Council Member Stradley to approve the transfer of \$300 from Salt Shed Maintenance to Salt Shed Utilities.

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

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Council Member Edsall made a motion seconded by Council Member Stradley to approve the transfer of \$1,180.60 from Other Recreation Revenues to Recreation Expenses.

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

Council Member Edsall made a motion seconded by Council Member Voltaire to approve the transfer of \$680 from Water Dist 2 Clerk Salary to Water Dist 2 Equipment.

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

Council Member Edsall made a motion seconded by Council Member Voltaire to approve the transfer of \$2,400 from Parks General Repairs to Parks Utilities.

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

Council Member Edsall made a motion seconded by Council Member Gunza to approve the transfer of \$192 from Compensation Water Dist 1 to Retirement Water Dist 1.

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

Council Member Gunza made a motion seconded by Council member Edsall to approve the transfer of \$11,425 from Health Insurance to Retirement.

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

Council Member Edsall made a motion seconded by Council Member Stradley to approve the transfer of \$825 from Highway Compensation Insurance to Retirement.

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

Council Member Gunza made a motion seconded by Council Member Stradley to approve the transfer of \$5,000 from Town Hall Contracts to Town Hall Utilities.

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

Council Member Gunza made a motion seconded by Council Member Edsall to approve the transfer of \$3,134.39 from B-Fund Contingent to Police Contracted Services.

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

Council Member Gunza made a motion seconded by Council Member Edsall to approve the transfer of \$900 from Police Uniforms to Police Contracted Services.

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

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Council Member Gunza made a motion seconded by Council Member Edsall to approve the transfer of \$6,000 from Sanitation Landfill Charges to Sanitation Vehicle Maintenance.

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

BOARD REPORTS

Council Member Edsall:

Council Member Edsall reported that he received an email from Building Inspector Hager stating that he had spoken to the Village about updating the code on Lodging.

Council Member Edsall said he spoke to Mr. Held and encouraged him to put together a package together for repairs needed. Mr. Edsall also said that Mr. Held asked him about a vehicle for the Sewer Plant. Council Member Edsall said Mr. Patterson is looking into Army surplus vehicles.

Council Member Edsall said he is glad Mr. Ramus is here because he just received correspondence from David Church saying that he would be willing to come to a meeting. Mr. Edsall stated that it would be better if Mr. Church attended a Planning Board meeting.

Council Member Edsall said the low bidder for the Mine Dock demolition project.

Council Member Stradley:

Council Member Stradley had nothing to report.

Council Member Gunza:

Council Member Gunza said everything is good with the Police and Dog Control Departments.

Council Member Voltaire:

Council Member Voltaire reported that she attended training on Undoing Racism and it was a great workshop.

Council Member Voltaire said the Board of Education has begun their search for a new Superintendent and has put a survey online for the public to fill out.

SUPERVISOR'S REPORT

Supervisor Livsey reported that he received a letter from DEC that stated they performed their annual inspection of the Sewer Plant and everything was good.

Supervisor Livsey said the annual the 15th annual Public Safety Sunday was held recently.

Supervisor Livsey stated that he received a call from the Governor's office asking for comments on the legislation on the jurisdiction for West Point and Town of Highlands.

Supervisor Livsey said he also wrote a letter about the Court Officers being changed to Peace Officers.

UNFINISHED BUSINESS

90 Firefighter's Cleanup:

Supervisor Livsey said he met with Hugh Maher, who was the second lowest bidder for the Firefighter's Memorial Drive project, and gave him until next week to decide if he will do the job or not.

Water:

Supervisor Livsey stated that the Village has notified the Town that the water rates are going up effective this November's bill.

Water District #2 Project:

Supervisor Livsey said the water project is still going on. The Supervisor said bids will go out in December and returned in January with the project starting March or April.

Howard McArthur:

Supervisor Livsey said Mr. McArthur sent a letter explaining his concerns with the extension of Weyant Road. The Supervisor said this is being discussed and worked out.

GENERAL BUSINESS

Rick Jersey Stipend:

Supervisor Livsey said it has been requested that Rick Jersey be given a stipend for two licenses (Pesticide and MV Inspector) that he holds.

Ms. Blauvelt said it is part of the contract that he gets a stipend for additional licenses he has.

EMT Probation:

Supervisor Livsey said he received a request from Capt. Stroppel to dismiss an EMT currently on probation.

Council Member Gunza made a motion seconded by Council Member Voltaire to dismiss this EMT before the probationary period expires.

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

Supervisor Livsey said he would like to be notified 1-2 months before an employee's probationary period expires.

Brooks' Park Grant:

Supervisor Livsey said the Town has received preliminary approval for a \$25,000 grant for ADA Improvements at Brooks' Park.

Town Board and Village Board Police Consolidation Meeting:

Supervisor Livsey said there was a representative from the State who provided a lot of good information to the Boards. The Supervisor said the Village applied for a \$25,000 grant for the dissolution of the Village Police Department.

Council Member Edsall said the representative from the State said he looked at the budget and upon combining the departments, we would be eligible for \$400,000 in funding.

Supervisor Livsey said he would like the next meeting to be a public meeting.

Local Law #3 – Property Maintenance:

Council Member Edsall made a motion seconded by Council Member Stradley to adopt the Resolution of SEQR Designation and Determination for Local Law #3 – Property Maintenance.

**RESOLUTION ADOPTED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Voltaire)
0-nays**

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

Council Member Gunza made a motion seconded by Council Member Edsall to adopt Local Law #3 – Property Maintenance.

**RESOLUTION ADOPTED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Voltaire)
0-nays**

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

Transfer Station Agreement:

Supervisor said he received a memorandum of understanding from West Point Garrison extending the Town of Highlands' use of the transfer station. The Supervisor said this agreement will expire on September 30, 2018. Supervisor Livsey asked for permission to sign this after it is reviewed by Mr. Rider.

Council Member Edsall made a motion seconded by Council Member Gunza to authorize Supervisor Livsey to sign the Memorandum of Understanding after review by Mr. Rider.

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

Supervisor Livsey said the Town needs to identify any Town resident using the transfer station. The Supervisor suggested using stickers to do this and he will speak to the Town Clerk.

PUBLIC COMMENT

Jim Ramus asked if there was a cost estimate associated with the Police consolidation, how many full-time officers there would be and what building would be used.

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Supervisor Livsey said everything is in the preliminary stages so that information is not available.

Mr. Ramus asked who would enforce the Property Maintenance Law.

Supervisor Livsey said the Building Department would enforce it and if there was a problem, the Police would get involved.

Mr. Ramus discussed Lodgers and asked if the owner of the building had to live there.

Council Member Edsall said he didn't think the owner had to live there, but suggested Mr. Ramus bring his concerns to the Village Board.

Mr. Ramus said he participated in a Youth Hunt event recently. Mr. Ramus said about 80 kids attended and safe procedures were taught.

Sandy Capriglione asked about the DPW consolidation.

Supervisor Livsey said Mayor Flynn is giving priority to the Police consolidation.

Mr. Ramus asked what would happen to the Village's assets if it is dissolved.

Supervisor Livsey said they would become part of the Town.

ADJOURN

Council Member Stradley made a motion seconded by Council Member Voltaire to adjourn the meeting. Meeting adjourned at 8:30pm.

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

Attest,

RESOLUTION

OF

OCTOBER 27, 2014

RESOLUTION OF SEQR DESIGNATION
AND DETERMINATION
INTRODUCTORY LOCAL LAW #3 OF 2014
A LOCAL LAW AMENDING AND RESTATING
CHAPTER 141 ENTITLED
“PROPERTY MAINTENANCE”
OF THE CODE OF THE TOWN OF HIGHLANDS

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

WHEREAS, the Town Board of the Town of Highlands adopted a resolution on the 22nd day of September, 2014 ordering a public hearing to be held on the 27th day of October, 2014 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #3 of the Year 2014 entitled “A Local Law Amending and Restating Chapter 141 entitled ‘Property Maintenance’ of the Code of the Town of Highlands;” and

WHEREAS, the Town Board has caused an Environmental Assessment Form (the “EAF”) to be prepared for the proposed adoption of Introductory Local Law #3 (the “Action”); and

WHEREAS, the Town Board has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law, and accordingly does not require a coordinated review; and

WHEREAS, the Town Board has heretofore reviewed the EAF together with any other supporting information, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board does determine that the adoption of Introductory Local Law #3 of the Year 2014 entitled “A Local Law Amending and Restating Chapter 141 entitled ‘Property Maintenance’ of the Code of the Town of Highlands,” is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and does not require a coordinated review.

2. The Town Board does further determine that it is the single involved agency and as it is proposing to directly undertake the Action does further declare itself the lead agency for the purpose of conducting a review of this Action and determines that said Action will not have a significant adverse environmental impact and, therefore, does issue a negative declaration.

3. The Town Board hereby authorizes the Supervisor to execute and file the Environmental Assessment Form and Negative Declaration attached hereto in accordance with the applicable provisions of law.

4. The Town Clerk shall maintain the EAF, Negative Declaration and all other SEQR documents and notices pertaining to the Action on file and available to the public during regular business hours.

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
Adrienne T. Voltaire, 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 October 27, 2014.

June Patterson, Town Clerk

RESOLUTION

OF

OCTOBER 27, 2014

A RESOLUTION TO ADOPT
A LOCAL LAW AMENDING AND RESTATING
CHAPTER 141 ENTITLED
“PROPERTY MAINTENANCE”
OF THE CODE OF THE TOWN OF HIGHLANDS

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

WHEREAS, the Town Board of the Town of Highlands adopted a resolution on the 22nd day of September, 2014 ordering a public hearing to be held on the 27th day of October, 2014, at 7:00 o'clock p.m., prevailing time, to hear all interested parties on proposed Introductory Local Law #3 of the Year 2014 entitled “A Local Law Amending and Restating Chapter 141 entitled ‘Property Maintenance’ of the Code of the Town of Highlands;” and

WHEREAS, a notice of Public Hearing was duly advertised on the 3rd day of October, 2014 in The News of the Highlands and posted on the Town Clerk’s sign board on the 26th day of September, 2014; and

WHEREAS, the Public Hearing was duly held on the 27th day of October, 2014 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 Town Board of the Town of Highlands has conducted an environmental review of the proposed adoption of the Local Law under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law (“SEQRA”) and has determined that said action will not have an adverse environmental impact and, accordingly, issued a negative declaration; 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 #3 of the Year 2014 entitled “A Local Law Amending and Restating Chapter 141 entitled ‘Property Maintenance’ 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:

James Stradley, Councilman	voting	Aye
June Gunza, Councilwoman	voting	Aye
Adrienne T. Voltaire, 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 October 27, 2014.

June Patterson, Town Clerk