

TOWN BOARD

The Town Board, Town of Highlands, held a meeting and budget workshop on Monday, August 24, 2015 at Town Hall, 254 Main St, Highland Falls, NY at 6:00pm.

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

ABSENT: James Stradley ---- Council Member
Adrienne T. Voltaire ---- Council Member

Supervisor Livsey opened the meeting at 6:00pm.

EXECUTIVE SESSION

Supervisor Livsey made a motion seconded by Council Member Edsall to go into executive session to discuss Police Personnel. Board went into executive session at 6:05pm.

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

Council Member Edsall made a motion seconded by Council Member Gunza to close the executive session. Executive session closed at 6:30pm.

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

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

Supervisor Livsey asked Chief Quinn if he knew about the bridge ceremony.

Chief Quinn said it is on Thursday in Poughkeepsie.

MINUTES

Council Member Gunza made a motion seconded by Council Member Edsall to approve the minutes from the August 10 Town Board meeting.

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

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Council Member Edsall made a motion seconded by Council Member Gunza to approve the minutes from the August 17 Town Board meeting.

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

COMMUNICATIONS

Supervisor Livsey stated that he was invited to a bridge ceremony and he will attend.

Supervisor Livsey said there are two old poles at Mine Dock Park that are leaning. The Supervisor said this is a dangerous situation and CSX has been called.

Supervisor Livsey informed the Board that most of the PESCH violations at the Highway Department have been taken care of and Mr. Patterson is working on the rest.

Supervisor Livsey said he provided a copy of the Time Warner Cable franchise check with the explanation attached so they can see how the payment is determined.

FINANCIAL

Budget Transfers:

Council Member Edsall made a motion seconded by Council Member Gunza to approve the transfer of \$1,000 from Police Fuel to Police Contractual Services.

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

Council Member Gunza made a motion seconded by Council Member Edsall to approve the transfer of \$1,000 from Parks Utilities to Garrison Pond Contractual.

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

Supervisor Livsey said \$9,000 has already been spent on Garrison Pond and another \$1,000 is expected to be spent. The Supervisor said Mr. Patterson is looking into alternative treatments for the lake.

Council Member Edsall made a motion seconded by Council Member Gunza to approve the transfer of \$17,456 from Sewer – Refund Prior Year Expenses to Sewer – Contracted Services.

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

BOARD REPORTS

Council Member Edsall:

Council Member Edsall said he received communication from the Building Inspector about an inquiry he received from a company interested in putting micro cell towers on West Point property. Mr. Edsall said Mr. Hager referred them to West Point.

Council Member Gunza:

Council Member Gunza said she had a meeting with the Chief that went well, everything is going good with the Police and Police personnel need to be replaced.

SUPERVISOR'S REPORT

Supervisor Livsey said he had a lengthy meeting with Mr. Rider recently and Mr. Rider left with some things to do.

Supervisor Livsey said the old ambulance needs to go out to bid and he asked the Town Clerk to handle that.

Supervisor Livsey stated that he spoke to Mr. Rider about preparing a contract for new hires that commits them to a certain amount of time and if they do not give that time, they will be responsible for reimbursing the Town of any expenses incurred.

Chief Quinn said Wallkill has a similar policy and suggested Mr. Rider contact their counsel.

Supervisor Livsey asked Mr. Rider to explain the Mine Dock Park Agreement.

Mr. Rider stated the Board entered into a cooperative agreement a couple of years ago for Scenic Hudson to turn over Mine Dock Park to the PIPC. Mr. Rider said this should be happening in the next couple of months and Scenic Hudson is asking for a minor addendum to the agreement. Mr. Rider said this addendum is to clarify a couple of points.

Supervisor Livsey said he discussed reserve funds for the Water Districts with Mr. Rider.

Supervisor Livsey said, at the last meeting, dumpster rates were discussed. The Supervisor stated that last year about \$50,000 was collected and if the rates are raised by 10% it will bring in another \$5,000. The Supervisor said there was a suggestion about charging businesses with cans the minimum dumpster fee which is \$26.25 a month.

Supervisor Livsey said he is waiting for numbers on water usage should Corbin Hill hook-up.

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Public Hearing – Special Districts:

Supervisor Livsey has a resolution to set a public hearing for Special District Assessments, rolls and benefit formulas for 2016.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution scheduling public hearings regarding Special District Assessments, Rolls and Benefit Formulas for the year 2016.

RESOLUTION ADOPTED: **3-eyes (Livsey, Edsall, Gunza)**
 0-nays
 2-absent (Voltaire, Stradley)

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

Supervisor Livsey said a list will be available in the Town Clerk’s office and notifications will be sent to homeowners if changes have been made.

GENERAL BUSINESS

Police Personnel:

Council Member Gunza made a motion seconded by Council Member Edsall to accept the resignation of Pete Russell from the Town of Highlands Police Department.

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

Change Order – FM Water District:

Mr. Rider explained that the engineer has suggested a change order be made for the property at the Fort Montgomery School. Mr. Rider said the increase of the Change Order is \$17,700.

Council Member Edsall asked where the expense would fall.

Mr. Rider said the Trust is responsible, not the Town, for this.

Supervisor Livsey said there have been many hook-ups recently. The Supervisor said MRS, the Fitness Center, Barnstormer are some that have recently hooked-up.

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Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution to approve a contract Change Order for Highlands Water District 2.

RESOLUTION ADOPTED: 3-ayes (Livsey, Edsall, Gunza)
0-nays
2-absent (Voltaire, Stradley)

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

CHIEF QUINN

Chief Quinn informed the Board that his department received a Thank You card from the Holt family and he will send them a Thank You card thanking them.

PUBLIC COMMENT

Mr. Ramus commented on the dumpster fees and suggested charging for a dumpster if they have four cans.

Supervisor Livsey asked Mr. Ramus if the Village Board acted on the consolidation of the Planning Boards at their last meeting.

Mr. Ramus said they did not.

Mr. Ramus asked about the water usage in Corbin Hill and gave the Board a formula to use to figure it out.

Mr. Rider said they have a permit for a certain number.

Mr. Ramus reminded the Board about the possible expansion of the Holiday Inn Express.

Mr. Ramus said there was talk about the police consolidation being on the November ballot.

Supervisor Livsey said he doesn't know anything about that.

Mr. Ramus said the Orange County Federation of Sportsmen will be holding their annual dinner on September 19. Mr. Ramus handed out invitations to the Board and Town Clerk.

Supervisor Livsey asked if it was ok to put the information on Channel 23.

Mr. Ramus said he would appreciate that.

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******BUDGET WORKSHOP******

Planning Board

Mr. Smith provided two budgets. The first one is for a non-consolidated Board and the second one is for a consolidated Board.

Mr. Smith said the non-consolidated budget is a normal budget with some minor adjustments.

Mr. Smith said the consolidated budget is theoretical and is figured on a 5-member board.

The Board discussed the number of members and pay they receive.

There was a discussion on the different projects that the Town and Village Planning Boards are working on.

Mr. Ramus said he spoke to Orange County. Mr. Ramus will confirm if they will be coming down for a meeting and let everyone know.

Mr. Ramus stressed the importance of the Cornell training that is not in Mr. Smith's budget.

Mr. Smith said he excluded it because of the cost.

Ms. Blauvelt said she hopes something is decided on the consolidation by the time the budget is adopted because it is a different tax base.

Town Clerk

The Town Clerk reviewed her budget with the Board. Ms. Patterson made some minor changes to her budget.

Ms. Blauvelt said John Hager, Building Inspector, has \$4,500 in his budget for Codification.

Sewer

Ms. Blauvelt said the sewer budget went up by \$24,000.

Council Member Edsall said \$15,000 of that was for the vehicle which can be removed. Mr. Edsall asked about the generator.

Ms. Blauvelt said the money for the vehicle can be removed, but the \$8,500 for the generator will be used to hook-up a used generator at the pump station on 9W.

RESOLUTION

OF

AUGUST 24, 2015

A RESOLUTION SCHEDULING PUBLIC
HEARINGS REGARDING SPECIAL DISTRICT
ASSESSMENTS, ROLLS AND BENEFIT
FORMULAS FOR THE YEAR 2016

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

WHEREAS, the Town Board of the Town of Highlands has met and considered the establishment of rates and benefit units for the Town's special districts and special improvement areas; and

WHEREAS, the Town Board desires to set a date for the Public Hearing on the Budgets, Assessments and Benefit Formulas for all special districts and special improvement areas of the Town of Highlands for the fiscal year beginning January 1, 2016 to be held on Monday, September 28, 2015 at 7:00 p.m.; and

WHEREAS, the Assessment Rolls have been filed in the Office of the Town Clerk of the Town of Highlands; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That in accordance with the Sections 202-a and 239 of the Town Law, the Town Board of the Town of Highlands shall meet on September 28, 2015 at 7:00 p.m. at 254 Main Street, Highland Falls, New York and then and there hold a Public Hearing on the following special district and special improvement area Budgets, Assessment Rolls and Benefit Formulas, each to be heard separately in the order as listed:

Town of Highlands Water District #1;
Town of Highlands Water District #2; and
Town of Highlands Sewer Improvement Area.

2. The Town Clerk of the Town of Highlands shall give Notice of such Public Hearing by Publishing Notice thereof in the “News of the Highlands” not less than ten (10) days nor more than twenty (20) days prior to September 28, 2015, and cause a copy of such notice to be posted on the sign board of the Town not later than ten (10) days before September 28, 2015, and notices shall be mailed if required.
3. This 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 Absent
June Gunza, Councilwoman	voting Aye
Adrienne T. Voltaire, 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 August 24, 2015.

June Patterson, Town Clerk

RESOLUTION

OF

AUGUST 24, 2015

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

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 increase to maximum expenditure (the "Project");

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 Water Project Phase I (the "2012 Contract"); and

WHEREAS, the Town Board of the Town of Highlands on behalf of Water District #2 hereby did award the contract for the Water Project Phase I 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, Phase I was successfully completed; and

WHEREAS, the Parties began discussing additional work that might be completed, including the provision of water to the Fort Montgomery Elementary School and the expansion of the scope of the project ("Water Project Phase II" or "Phase II") as Phase I did not expend all funds

permitted by the Environmental Facilities Corporation, New York State Comptroller's Office, and the Town Board's Bonding Resolution; and

WHEREAS, the Parties met and the project engineer designed alternatives for the expansion of the project; and

WHEREAS, the Phase II discussions focused on the ability to provide water to the school as well as additional linear feet of piping to maximize the build-out of Water District #2; and

WHEREAS, the Town Board and the Samuel G. Fredman Water Trust contracted to complete Phase II (the "2013 Agreement") which contract authorizes Phase II and allocates the responsibility for payment of the costs of the Project; and

WHEREAS, the Town Board received bids on the Project on March 27, 2015 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 2015; 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 13, 2015 to the lowest responsible bidder, Legacy Valve, LLC, to be performed in accordance with contract documents, at a base bid amount of \$351,560.00; and

WHEREAS, in August, 2015 the project engineer recommended a Change Order in the amount of \$17,700.00 as a result of needing to complete a realignment at the Fort Montgomery Elementary School and potable water vault, in accordance with the J. Robert Folchetti & Associates Change Order Recommendation attached hereto as Exhibit "A" ("Change Order #1").

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Highlands on behalf of Water District #2 does approve Change Order #1 in the amount of \$17,700.00; 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 **Absent**
June Gunza, Councilwoman voting **Aye**
Adrienne T. Voltaire, 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 August 24, 2015.

June Patterson, Town Clerk