

## **TOWN BOARD**

The Town Board, Town of Highlands, held a meeting on Monday, February 8, 2016 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Mervin R. Livsey	----	Supervisor
	William Edsall	----	Council Member
	Tyrone King	----	Council Member
	June Gunza	----	Council Member
	Adrienne T. Voltaire	----	Council Member
	June Patterson	----	Town Clerk

Supervisor Livsey opened the meeting at 7:00pm.

### **PUBLIC COMMENT**

There was no public comment.

### **MINUTES**

Council Members Gunza and Voltaire asked for a couple of amendments to the minutes.

Council Member Gunza made a motion seconded by Council Member Voltaire to approve the minutes from the January 25, 2016 meeting.

**MOTION CARRIED:       5-eyes (Livsey, Edsall, King, Gunza, Voltaire)**  
**0-nays**

### **COMMUNICATIONS**

Supervisor Livsey said the project to have the meetings on Youtube is about 99% complete.

Ms. Blauvelt said there is a link on the website and Facebook.

Supervisor Livsey said he received a letter from Albany stating that the Governor will be offering two webinars on Municipal Restructuring Fund Programs on February 11 and February 18. The Supervisor said the Governor has stated that he has \$20 million to invest in one entity for consolidation.

Supervisor Livsey stated that he received an invitation to the Mid-Hudson Saint Patrick's Day parade. The Supervisor said the day will begin with Mass at 9am, breakfast at 10am and line-up at 1-1:30pm.

**FINANCIAL**

**Accounts Payable**

Supervisor Livsey stated the Town paid out a total of \$165,432.07.

**Budget Transfer**

Council Member Voltaire made a motion seconded by Council Member Gunza to transfer \$195 from Zoning-Personal Services to Zoning-Legal.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

**BOARD REPORTS**

**Council Member Edsall**

Council Member Edsall reported that the first meeting of the Consolidation Committee took place and the next one will be on February 11. Mr. Edsall said there will be a community meeting on February 18 and he encourages people to attend.

Council Member Edsall shared with the Board a flyer that informs the community that West Point will be opening their housing to civilians. Mr. Edsall said many surrounding communities, including Highlands, is concerned about the impact of this.

Mr. Rider said there should be a Real Property tax implication.

Council Member Edsall said he spoke to Mr. Rider about the double poles.

**Council Member King**

Council Member King reported that the Recreation Department had a successful start to the boxing program. Mr. King said baseball signups are starting and the Recreation Aide position will be discussed later in the meeting.

Mr. Falk said he would like to bring a youth camp to the area.

**Council Member Gunza**

Council Member Gunza reported that she attended the Chamber of Commerce meeting, which was well attended. Ms. Gunza said the next meeting will be on March 4.

Council Member Gunza stated that the Police purchased the lighted paddle and it is being used at the school crossing. Ms. Gunza said Chief Quinn has not heard back from DOT yet.

Council Member Gunza said there will be a Hazard Mitigation meeting with Orange County on March 2.

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Council Member Gunza asked Council Member King if he would be available to attend an interview at the Police Station.

### Council Member Voltaire

Council Member Voltaire said she heard positive things about the Chamber meeting.

Council Member Voltaire said she was asked to join the Board of Directors for The Center. Ms. Voltaire stated The Center is looking for volunteers to donate a couple of hours a week and if anyone is interested in helping with Public Relations to please contact her or Ann Molina.

Council Member Voltaire reported that she has received a sample letter for anyone who wants to write to Congress to stand up for funding for schools.

Council Member Voltaire said the Parents Club at The Center will be holding a luncheon to recognize the school music program and honor some students.

Council Member King said, if kids get involved in programs, they have a better chance of not getting into trouble.

Supervisor Livsey said there have been some questions about the Recreation Aide position. The Supervisor said the new Recreation Director's salary is less than the previous Director's and even adding an Aide doesn't bring the amount up to the previous Director's salary, so this position will not cost the taxpayers any more money.

Council Member Voltaire said on February 11 from 10-11:30am, SGT Matthews, the last living Buffalo Soldier, will be speaking at the High School.

## GENERAL BUSINESS

### Sanitation Fee

Supervisor Livsey said at a previous meeting, the Board set new dumpster fees, but Mr. Patterson has since realized that there are two customers that have 3 yard dumpsters and there is no fee for that. The Supervisor said Mr. Patterson is requesting the Board approve a 3 yard dumpster of \$41.50 for a one day a week pickup.

Council Member Edsall made a motion seconded by Council Member Gunza to add the 3 yard dumpster fee to the fee schedule.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

### EnerPath Services Contract

Supervisor Livsey asked the Town Clerk to explain the issue with this contract.

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Ms. Patterson explained that the original quote for \$3,000 is not the amount that the Town is being asked to pay. Ms. Patterson said the amount the Town is being asked to pay is \$5,800 because of prevailing wage.

Council Member Edsall asked to table this matter.

Council Member Voltaire made a motion seconded by Council Member Edsall to table the EnerPath Contract matter.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

### **Recreation Program Fee Raises**

Supervisor Livsey said the Town's taxes are already high and he would like to see the fees remain as they are.

Council Member Voltaire said she has no problem raising the fees since they are very low. Ms. Voltaire also stated that, in the past, if a child had a shirt from a previous season, the fee was a little lower.

Council Member King said that Mr. Falk has done his research and, he believes, in order to improve and add programs it is the right call to raise the fees.

Council Member Voltaire said a child will never be turned away for financial reasons.

Council Member King made a motion seconded by Council Member Gunza to approve the increase of the Recreation fees and to add them to the fee schedule.

**MOTION CARRIED: 5-eyes (Edsall, King, Gunza, Voltaire)  
1-nays (Livsey)**

### **Recreation Report**

Mr. Falk reported that the boxing class had a great turnout and baseball is now on social media.

Mr. Falk said he would like to bring a science and technology camp to the area for children who are not into sports. Mr. Falk said the dates he plans to do this is from June 27 through July 1 at Sacred Heart and it is for kids K-6 grades and the cost will be between \$100-150.

Mr. Falk said the paperwork is filed and he is hoping the Town will be a vendor for the Department of Social Services. Mr. Falk explained if this happens, the Town can bill them for kids in the programs.

Mr. Falk said he is coordinating with the Youth Advocacy Program to have residents help with at-risk kids.

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Mr. Falk is planning on doing a Lacrosse program from April-May and he has someone who is donating everything, so it will be a free program.

Mr. Falk said, it was recently recommended that he do background checks for anyone working with children. Mr. Falk said he did some research and gave that information to the Board.

### Comptroller's Report

Ms. Blauvelt said the State AUD is due March 1 and the audit is scheduled for April.

### Recreation Advisory Committee

Supervisor Livsey said there is an opening on the Recreation Advisory Committee and he has received a letter from Venecia Jackson asking to be appointed. The Supervisor said that Ms. Jackson is also interested in the Recreation Aide position.

Council Member King said there should be two different people in those positions.

Mr. Falk recommended appointing Ms. Jackson to the Committee and she can resign if she is hired as the Recreation Aide.

Council Member Voltaire made a motion seconded by Council Member King to appoint Venecia Jackson to the Recreation Advisory Committee for a term of one year.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)**  
**0-nays**

### Proposed Amendment Town/Village Water Agreement

Supervisor Livsey gave this to Mr. Rider to review and he suggested a 5% penalty. The Supervisor said he doesn't think there should be a penalty, but if there is, it should be 1%.

Council Member Voltaire said she thinks the penalty is nonsense.

Supervisor Livsey said he would like Mr. Rider to change the penalty from 5% to 1%.

Mr. Rider said he had no issue with that. Mr. Rider stated that the purpose of the amendment was for clarification and typically municipalities have a penalty.

Council Member Edsall made a motion seconded by Council Member Voltaire to accept the recommendations to make the penalty 1%.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)**  
**0-nays**

**Resolution - Community Development**

Supervisor Livsey has a resolution authoring a municipal agreement with Orange County for a CDBG for Brooks Park. The Supervisor said the engineer put this year and next year's together to save money.

Council Member Edsall made a motion seconded by Council Member King to authorize Supervisor Livsey to sign the agreement with Orange County.

**RESOLUTION ADOPTED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

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

**Resolution - Police Reserve Fund Transfer**

Supervisor Livsey said a payment on the lease for the police car is due and the \$11,705.03 needs to be transferred from the Police Reserve fund to pay it.

Council Member Gunza made a motion seconded by Council Member King to approve the transfer of \$11,705.03 from the Police Reserve fund.

**RESOLUTION ADOPTED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

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

**Resolution – Reduction of Assessment**

Mr. Rider explained that the assessment of 40 Canterbury Road is too high and he and the Assessor have agreed to lower it. Mr. Rider said the only refund the owner will be receiving is approximately \$400 from the 2016 County/Town tax bill.

Council Member Voltaire made a motion seconded by Council member Gunza to authorize the settlement on the property located at 40 Canterbury Road.

**RESOLUTION ADOPTED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

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

**Planning Board Appointments**

Supervisor Livsey said there are two vacancies on the Planning Board, one due to a term expiring and the other from the resignation of John Hunter.

Supervisor Livsey said he has letter from James Ramus asking to be appointed to the Planning Board and he would like appoint him to give complete John Hunter's term. The Supervisor said he is still waiting for a formal letter of resignation from Mr. Hunter.

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Council Member Edsall made a motion seconded by Council Member Voltaire to appoint James Ramus to fill the remainder of Mr. Hunter’s term, subject to the Board receiving a formal resignation letter from Mr. Hunter.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

Mr. Rider said he would follow up with Mr. Hunter.

**Request – Leave of Absence (Police)**

Supervisor Livsey said he doesn’t have enough information on this request.

Council Member Gunza said she spoke to Chief Quinn about this and there needs to be more discussion.

Council Member Gunza made a motion seconded by Council Member Edsall to table this request.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

**ANY OTHER BUSINESS**

Mr. Falk said he spoke to the Captain of the West Point boxing team who expressed an interest in integrating some of his boxers into the Town program.

**PUBLIC COMMENT**

No public comment.

**EXECUTIVE SESSION**

Supervisor Livsey made a motion seconded by Council Member Voltaire to go into executive session to discuss a personnel problem. Board went into executive session at 8:00pm

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

Council Member Edsall made a motion seconded by Council Member King to close the executive session. Executive session closed at 8:30pm.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)  
0-nays**

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**AJOURN**

Council Member Voltaire made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 8:31pm.

**MOTION CARRIED: 5-eyes (Livsey, Edsall, King, Gunza, Voltaire)**  
**0-nays**

Attest,

RESOLUTION

OF

February 2, 2016

A RESOLUTION TO AUTHORIZE  
A MUNICIPAL AGREEMENT  
WITH ORANGE COUNTY IN CONNECTION  
WITH THE COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM FOR 2015:  
BROOKS PARK IMPROVEMENTS

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

WHEREAS, the Town of Highlands made application for consideration of a Community Development Block Grant (“CDBG”) as administered by Orange County for a project to improve handicap accessibility at Brooks Park (the “Project”); and

WHEREAS, the Town of Highlands conducted a public hearing in accordance with the CDBG regulations; and

WHEREAS, the Project has been selected for a \$25,000.00 grant and the County of Orange has provided a Municipal Agreement for CDBG fiscal year 2015, a copy of which is annexed hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Town of Highlands Supervisor is hereby authorized to execute the requisite Municipal Agreement for and on behalf of the Town of Highlands, and to deliver the executed Agreement to the County of Orange; and

BE IT FURTHER RESOLVED, that the Town of Highlands is hereby authorized to accept the grant funds in accordance with the terms of the Agreement; 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 Municipal 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:

Tyrone King, Councilman	voting	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Adrienne T. Voltaire, 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 February 8, 2016.

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June Patterson, Town Clerk

RESOLUTION

OF

FEBRUARY 8, 2016

A RESOLUTION TO AUTHORIZE SETTLEMENT  
OF PROCEEDING UNDER ARTICLE 7  
OF THE REAL PROPERTY TAX LAW:  
40 CANTERBURY ROAD  
SBL #14-3-20  
Index No. Tax Year 2015

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

WHEREAS, Bryan Suchanyc (“Petitioner”) has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Highlands, Orange County, New York located at 40 Canterbury Road, Section 14-Block 3-Lots 20 on the tax assessment rolls for the tax year 2015; and

WHEREAS, the Town Assessor and counsel to the Town, Rider, Weiner & Frankel, P.C., have negotiated a settlement of the proceedings with the Petitioner, reducing the assessment level from \$47,000 to \$15,000, the terms of which will be embodied in a proposed Consent Judgment to be filed with the Supreme Court Orange County; and

WHEREAS, the Town’s Assessor concurs with such settlement based on evidence of property values for vacant parcels with significant evidence of difficulties for development; and

WHEREAS, the Petitioner has waived his right to seek reimbursement of the 2015-2016 School Tax; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs the Supervisor and Rider, Weiner & Frankel, P.C. to execute and deliver a Consent Judgment and Stipulation of Discontinuance on behalf of the Town; and

BE IT FURTHER RESOLVED, that Rider, Weiner & Frankel, P.C., the Town's Assessor and other officers of the Town are hereby authorized to take such actions 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, documents and papers as may be necessary to effectuate and carry out the settlement; 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:

Tyrone King, Councilman	voting	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Adrienne T. Voltaire, 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 February 8, 2016.

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June Patterson, Town Clerk

RESOLUTION

OF

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A RESOLUTION TO AUTHORIZE  
EXPENDITURE FROM THE  
POLICE CAR RESERVE FUND

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

WHEREAS, the Town Board of the Town of Highlands pursuant to Section 6-e of the General Municipal Law of New York State heretofore established a certain capital reserve fund for the acquisition of police cars known as the Police Car Reserve Fund; and

WHEREAS, the Town Board desires to authorize the expenditure of an amount not to exceed Eleven Thousand Seven Hundred Five and 80/100 (\$11,705.80) Dollars from said capital reserve fund to pay the second year of the lease on a new police car; and

WHEREAS, the transfer of funds 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 Eleven Thousand Seven Hundred Five and 80/100 (\$11,705.80) Dollars is hereby authorized from the Police Car Reserve Fund to pay the second year of the lease for the new police car; and

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:

Tyrone King, Councilman	voting	<b>Aye</b>
June Gunza, Councilwoman	voting	<b>Aye</b>
Adrienne T. Voltaire, 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 February 8, 2016.

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June Patterson, Town Clerk