

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, March 28, 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
Justin Rider ---- Counsel
June Patterson ---- Town Clerk

Supervisor Livsey opened the meeting at 7:00pm.

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 March 14, 2016 Town Board meeting.

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

COMMUNICATIONS

Supervisor Livsey said the Time Warner Cable agreement that was discussed at the last meeting was sent back with the minutes from the public hearing. The Supervisor said he has not heard back from them yet.

Supervisor Livsey said he was notified by West Point that Mine Road will be closed on April 8, 20, 21 and 23. The Supervisor said this information is on Channel 23, the Town's website and the Town's Facebook page.

Supervisor Livsey said he was notified by the Highway Supt. that, at the current time, he has no place to dispose of old electronics. The Supervisor said Mr. Patterson is looking for a solution.

FINANCIAL

AUD

Supervisor Livsey congratulated Ms. Blauvelt on the completion and submission of the AUD.

TOWN CLERK

MARCH 28, 2016

Accounts Payable

Supervisor Livsey said the Town paid out \$51,292.10.

BOARD REPORTS

Council Member King

Council Member King said the interviews are complete for the Recreation Assistant.

Council Member King reported that Ms. Jackson has gotten a committee together for Juneteenth and things are moving along.

Council Member Edsall

Council Member Edsall reported that there was a consolidation meeting last Thursday and the Consultant presented the results of the data they have received so far. Mr. Edsall said there is a lot more data needed and there will be another meeting on (tentatively) May 26.

Supervisor Livsey asked who presides over the meeting.

Council Member Edsall said Tim Weedamin.

Council Member Gunza

Council Member Gunza said the plan from Orange County is being reviewed.

Council Member Gunza reported that she was at the police station when Mr. Weedamin interviewed the Chief.

Council Member Voltaire

No report.

Council Member King said he met with Chief Quinn relating to a young man who wants to be a police officer. Mr. King said the Chief was able to give this young man some good advice.

SUPERVISOR'S REPORT

Supervisor Livsey reported that there has been a lot of work done at Mine Dock Park and he thanked Kevin McCarthy and Richard Scott for all their efforts. The Supervisor said the Committee meets the second Saturday of each month at 3pm. The Supervisor also thanked Stella Root for all her hard work as treasurer.

Supervisor Livsey congratulated Dan Malarkey for the success of his St. Patrick's Parade.

Supervisor Livsey said the 4th of July Committee had a very productive meeting recently. The Supervisor said there is a lot planned and they still need help.

TOWN CLERK

MARCH 28, 2016

Council Member Gunza asked if the Battlesite and Vision had a clean-up planned for Saturday.

Council Member Edsall said there was.

Supervisor Livsey said there is a group coming in to take pictures at Mine Dock Park and all the necessary insurance documents have been received.

Supervisor Livsey said he, Marty Byrnes and Ms. Blauvelt met with Evolution, the Ambulance billing company, and the Town has received the cooperation needed. The Supervisor said he is glad the Board did not decide to switch to another company.

Aaron Falk

Mr. Falk said he emailed the updated information for Camp Invention to Mr. Rider. Mr. Falk said he was able to lower the cancellation time from 60 to 30 days. Mr. Falk said he would like to do some fundraising to help the kids who can't afford the camp.

Supervisor Livsey said he would like to table the Recreation Assistant issue until the next meeting.

Council Member Gunza made a motion seconded by Council Member King to table the Recreation Assistant until the next meeting.

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

ATTORNEY'S COMMENTS

Christopher Dyroff

Mr. Rider said Christopher Dyroff is looking to change his retirement status with the State and draft legislation has been prepared. Mr. Rider said the Town would be responsible for a one-time catch up payment.

Supervisor Livsey stated that the one-time payment would be \$1,730 and it will cost the Town \$90 more per year as long as Mr. Dyroff is a Planning Board member.

FMSIA

Mr. Rider said he received correspondence from EFC saying that they anticipate the Town to be in line for funding in June. Mr. Rider said the Engineer sent a letter to EFC outlining the plan and Mr. Rider would like to see a meeting set up with himself, Mr. Fusco and Supervisor Livsey to go over the plan to iron out everything so there are no unnecessary delays.

Supervisor Livsey said he will set up a meeting with Mr. Fusco, Bob Held and Mr. Rider.

Mr. Rider said that if the funding is in June, documentation needs to be sent to the EFC.

TOWN CLERK

MARCH 28, 2016

Corbin Hill Update

Mr. Rider said it has been determined that there is significant infiltration from Corbin Hill dumping into the Town's sewer plant. Mr. Rider said Corbin Hill has hired an engineer and met with Town officials to figure out a plan. Mr. Rider said there was an issue and work has stopped, but should resume tomorrow or the next day.

Supervisor Livsey said he was there on Saturday and a couple of storm drains were gushing with water, but he couldn't figure out where the water was going.

Highway Truck Purchase

Supervisor Livsey asked Mr. Patterson to explain what he wants to purchase.

Mr. Patterson explained the trucks to the Board and also stated that the old trucks would be put on Auctions International and sold to the highest bidder.

Mr. Rider said the bidding part of the process is ready to go. The bid documents are done and the legal notice is prepared and ready to be published.

Mr. Rider said for the financing part, money (\$60,000) needs to be transferred from the Sanitation Garage Reserve Fund to the Sanitation Vehicles Reserve Fund and this is subject to permissive referendum.

Mr. Rider said there is a Bond Resolution for the Garbage truck that is also subject to permissive referendum.

Reserve Fund Transfer

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the resolution to transfer \$60,000 from the Sanitation Truck Garage Fund to the Sanitation Vehicles Reserve Fund.

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

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

GENERAL BUSINESS

Bond Resolution

Council Member Edsall asked if the Bond could be paid off early.

Mr. Rider said he wasn't sure, but he would talk to Dan Birmingham (Bond Counsel).

TOWN CLERK

MARCH 28, 2016

Mr. Rider stated that the Bond is for \$240,000.

Council Member Gunza made a motion seconded by Council Member Voltaire to adopt the Bond Resolution authorizing the acquisition of a truck with a maximum cost of \$240,000.

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

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

Probation Completion

Supervisor Livsey announced that Ryan Falk completed his probation on March 23, 2016.

Comptroller

Ms. Blauvelt stated that the auditors will be here next week to begin the 2015 audit. Ms. Blauvelt also said Asset Works will be here to update the physical assets list.

Highway

Mr. Patterson reported that the Highway Department will be flushing hydrants Wednesday, Thursday and Friday and residents may experience discolored water for a little while.

Mr. Patterson informed the Board that the double poles are being worked on.

Mr. Patterson said the Master Meter will be replaced tomorrow, but there should be no interruption of service.

Mr. Patterson stated that he is waiting for an answer on the curbs for Franklin and he hopes to have them done before summer.

Mr. Patterson said he hopes to backfill the curbs on Montgomery and Drew in the Spring.

PUBLIC COMMENT

Larry Gonzalez from Metalist Sports said he is sponsoring an Answer to Cancer fundraising event on June 25. Mr. Gonzalez said he is still working out the details with officials, but he hopes to have about 400 participants.

EXECUTIVE SESSION

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

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

TOWN CLERK

MARCH 28, 2016

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

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

ADJOURN

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

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

Attest,

RESOLUTION

OF

MARCH 28, 2016

A RESOLUTION TO AUTHORIZE
THE TRANSFER OF FUNDS FROM
THE SANITATION TRUCK GARAGE FUND TO
THE SANITATION VEHICLES RESERVE FUND

Council Member **Edsall** 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 constructing a garage for sanitation vehicles, known as the Sanitation Truck Garage Fund; and

WHEREAS, the purpose for which the reserve fund was established is not in the reasonably foreseeable plans of the Town of Highlands Town Board; and

WHEREAS the Town Board, in accordance with GML §6-c(9) desires to transfer a portion of the unexpended balance to another capital reserve fund with the same tax base.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board is authorizing the transfer of Sixty Thousand and 00/100 (\$60,000) Dollars of the unexpended balance of the Sanitation Truck Garage Fund which has a current balance of approximately \$150,000.00 to the Sanitation Vehicles Reserve Fund, which capital reserve fund was established in accordance with Section 6-c of the General Municipal Law of New York State.

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:

Tyrone King, 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 March 28, 2016.

June Patterson, Town Clerk

EXTRACT OF MINUTES

Meeting of the Town Board of the
Town of Highlands, in the
County of Orange, New York

March 28, 2016

* * *

A regular meeting of the Town Board of the Town of Highlands, in the County of Orange, New York, was held at the Town Hall, 254 Main Street, Highland Falls, New York, on March 28, 2016 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Honorable Mervin R. Livsey, Supervisor; and

Councilpersons: William Edsall

Tyrone King

June Gunza

Adrienne T. Voltaire

There were absent:

Also present: June Patterson, Town Clerk

* * *

Council Member Edsall offered the following resolution and moved its adoption:

**BOND RESOLUTION OF THE TOWN OF HIGHLANDS,
NEW YORK, ADOPTED MARCH 28, 2016, AUTHORIZING
THE ACQUISITION OF A TRUCK, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$240,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF BONDS IN THE
PRINCIPAL AMOUNT OF \$240,000 TO FINANCE SAID
APPROPRIATION**

THE TOWN BOARD OF THE TOWN OF HIGHLANDS, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Highlands, in the County of Orange, New York (herein called the "Town"), is hereby authorized to acquire a plow truck with hook lift system. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$240,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$240,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$240,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "*The News of the Highlands*," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HIGHLANDS, NEW YORK

PLEASE TAKE NOTICE that on March 28, 2016, the Town Board of the Town of Highlands, in the County of Orange, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Highlands, New York, adopted March 28, 2016, authorizing the acquisition of a truck, stating the estimated maximum cost thereof is \$240,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$240,000 to finance said appropriation,”

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire a plow truck with hook lift system; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$240,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$240,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$240,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$240,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 28, 2016

June Patterson
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by Council Member Gunza and duly put to a vote on roll call, which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.