REGULAR MEETING

OF THE BOARD OF TRUSTEES

OF THE VILLAGE OF HIGHLAND FALLS

February 17, 2009

A regular meeting of the Board of Trustees of the Village of Highland Falls was held in the Village Hall, 303 Main Street, Highland Falls, New York on February 17, 2009.

The Meeting was called to order by Mayor D'Onofrio at 6:00 P.M.

Members present were:

Mayor Joseph E. D'Onofrio
Trustee Harold Brown
Trustee Michael Bosch
Trustee June L. Gunza
Trustee Robert Mellon

Also present were:

Village Clerk, Regina M. Taylor
Fire Chief, William Lee
Code Enforcement Officer, Tim Doherty
Building Inspector, John Hager
News of the Highlands Editor, Mary Jane Pitt
Planning Board Member- Jim DiSalvo
Village Residents: Mr. Malik (son) & Ms. Malik (daughter) – 41 Main Street, Marilyn Kelly - 65 Mountain Ave., Warren Wicks-Winhaven Ct, Robert Simons-185 Main Street, Dr. Perry-58 Ondaora Pkwy, Mr. Fornicola-37 Mountain Ave, Mr. Lopez-79 Mountain Ave. , Michael Lewis -1 Annaouri
Pellwood Lake Homeowners Association-Barbara Fallon-25 Main St, M/M Norman DeYoung-11 Walker Rd, M/M George Guy – 1498 Rt 9W , Cary Linnerud-27 Pellwood Lake Rd., David Love-25 Walker Rd, Devin Guy, Dan Borra-31 Walker Rd, Dan McCutcheon-6 Walker Rd

A motion was made by Trustee Mellon to approve the below listed minutes as written:
a) Regular Meeting – February 2, 2009

The motion was seconded by Trustee Brown and unanimously carried.

A public hearing, as duly advertised, was opened at 6:05 pm, for the purpose of receiving public comment to consider adoption of Introductory Local Law entitled "Vehicle Parking Areas". Mayor D'Onofrio presented for the record the Notice of Hearing and Affidavit of Publication. The Mayor explained that this law would prohibit cars from being parked on front lawns. Tim Doherty, Code Enforcement Officer, answered the question of what is an existing driveway by stating cars must be parked in existing driveways or areas that are designated driveways that are either macadam, blacktop or gravel.

All comments being heard and no further questions, the public hearing closed at 6:10pm.

Trustee Gunza motioned the following:

Village of Highland Falls
Resolution of Adoption
Local Law No. 2-2009
"Vehicle Parking Areas"

The motion was seconded by Trustee Brown and on a roll call vote the results which follow:

5 Ayes 0 Nays

motion carried. (A true and complete copy of the resolution is appended to these minutes)

A hearing was opened at 6:11pm for an Unsafe Building Violation issued on the property known as 4 Fostoria Street, tax map-104-9-28, owner on record-Mr. Harry Guy. Referencing the Village Code section 76-2 (E) and 76-2 (J), Mr. Guy was given proper notification of the violations and hearing date. Neither Mr. Guy nor a representative for Mr. Guy appeared before the Board.

Mr. John Hager, Building Inspector, recommended to the Village Board that the building be declared unsafe so that the Building Department can proceed to post it as such. He commented that the exterior of the building is in violation of multiple property maintenance codes. Mr. Hager reported that the owner indicated to him, verbally, that he had no intention to do anymore work on the building. He is trying to sell it as is.

The Mayor added that the building has been extremely unsightly for at least two years. The building permit has expired and the upper level remains unfinished with open access. He would like to see the owner

pushed to bring the building up to code now. If the building remains unoccupied, it should be boarded up to keep animals and vagrants out. The area needs to be made safe.

Mr. Hager said property maintenance violations can be assessed now. He has not started any process yet to bring the building up to code. Tim Doherty, Code Enforcement Officer, is concerned with young families living next to this property and kids investigating the unsecured building. Mr. George Guy, not representing the owner, stated that the bottom floor of the house is secured. He questioned what does unsafe mean. Mr. Hager informed him that the owner would need to renew the building permit and bring the building up to code. Unsafe does not declare the building condemned. He would have the opportunity to make it safe.

Trustee Mellon motioned to accept the recommendation of the Building Inspector to declare the property at 4 Fostoria Street, tax map, 104-9-28, unsafe and that the property be posted as such.

The motion was seconded by Trustee Brown and unanimously carried.

The Mayor asked Mr. Hager to notify the property owner of all violations and ask that these violations be completed in a timely fashion.

The public hearing closed at 6:20pm

A hearing was opened at 6:20pm for Violation Notices sent to residents on South Main Street and Mountain Ave. referencing section 187-7 of the Village Code regarding Snow and Ice Removal requirements. Building Inspector, John Hager pointed out to the Board that after first notices were sent out, over 30 property owners complied. Second notices were sent out indicating the hearing date and approximately twelve property owners indicated they would attend the hearing.

Mr. Warren Wicks, representative of the Winhaven Association, asked why these notices were appearing all of a sudden. The Mayor responded that the Village Code is being enforced more now because the Building Department now has the staff to follow up on these types of issues. Mr. Wicks also asked a few questions, 1. How long the law had been on the books, 2. Does the law pertain to everyone, 3. Is there a fine and 4. Can the Winhaven Association pay the town to clean the sidewalk?

The Mayor answered by saying, the law has been on the books for a long time. It applies to every property owner. There are fines and they are listed in the code and finally, no, the Village cannot be paid by the Association to do it.

Mr. Hager reported after the first snowfall most people cleaned their sidewalks. Over 37 notices were sent out 16 hours after the snowfall. Copies of the code were included to show what is required of property owners. After the second snowfall, the Inspector went out again and second notices were sent with a hearing date of February 17th.

The Mayor responded that the areas of Mountain Ave. and Main Street are important because of the school children and shoppers. The children should not be walking in the roadways. Shoppers should not have to deal with ice.

Mr. Fornicola, 37 Mountain Ave, said he never had trouble before. He said he believed the DPW cleaned the sidewalks. In the last three weeks he received letters regarding cleaning of sidewalks. He said he never complained when DPW broke screens or cracked sidewalks when they cleaned them. He said he is willing to pay the town to clean them.

The Mayor responded that the DPW has a priority list they follow after a snowstorm. They remove the bulk of snow off Mountain Ave. sidewalks because of the school children, however, residents are still responsible to keep them clear of ice and snow. Tim Doherty, Code Enforcement Officer, responded that the Village Code is written for all property owners to keep sidewalks free and clear of ice and snow. No one in the community wants children to walk in the streets. The property owners are responsible to maintain sidewalks, that abut their property, for the safety of everyone walking on them.

Mr. Lopez, 79 Mountain Ave, wanted to know what alternatives there are. He cannot shovel snow for health reasons. He would like to see a job pool created for people to call that need help shoveling. He also said you should knock on the door first, before sending out certified notices.

Mr. Simons, 185 Main Street, commented that he has lived here a long time. Couldn't something have been done more friendly than sending out a $5.25 certified letter? John Hager responded that first notices were sent out in the regular mail. The law says that the Notice of Hearing must be sent by certified mail.

John Hager commented that many people believe there is an agreement with the Village to clear the sidewalks. The Mayor responded that the Village does do it on Mountain Ave. but only to the extent the children can walk to school. There is no written policy for this. The property owners must keep them clear of ice and snow.

The Mayor concluded by stating that the law requires the formality of sending notices certified and stating the fines for non-compliance. He apologized if this seemed harsh. He had spoken to some property owners who received this notice and could not attend the meeting. He explained that the Village just wants the property owners to keep the sidewalks clean. He recommended to the Board that no fines be issued this time.

No action was taken. The hearing closed at 6:45pm.

The Fire Department report for January 2009 was presented to the Board for review.

Trustee Gunza motioned to approve the Fire Department request to take E428 to the Orange County Fire Training Center on February 22nd and March 8th for training.

The motion was seconded by Trustee Bosch and unanimously carried.

Trustee Gunza motioned to approve Treshelle Griffith and Timothy Gilbert as active members of the Highland Falls Fire Department contingent upon the Clerk receiving necessary paperwork.

The motion was seconded by Trustee Brown and unanimously carried.

The Pellwood Lake Homeowners Association came to address the Village Board. Bobbie Fallon, 25 Main Street, on behalf of the Association, read a letter into the minutes concerning the Master Plan. (A copy of this letter is appended to these minutes)

She asked the questions, 1. Why are you not going by Saccardi & Schiff's recommendations, 2. What is the residency for a stay in a motel and 3.What about the illegally parked cars?

Trustee Mellon responded that 30 days is the maximum stay. Trustee Mellon also stated that the Board continues to receive comments and they continue to discuss it.

Mr. Malik, 41 Main Street, (Academy Motel) stated he never received notification about cars being parked there. He also said he has a permit for a person to stay over 30 days. He said he has a special permit from the building department that allows four people to live in one unit beyond the 30 days. Mr. Malik wanted to say for the record that it is an old place. They have worked hard to keep it clean. There have been no violations in the last fews years. They take care of anything that is brought to their attention. He cannot do more now because of the current zone.

Mr. DeYoung, 11 Walker Rd., asked if that permit was issued for a person to take care of the property and Mr. Malik confirmed that is correct. Mr. DeYoung commented that when everyone bought their homes they knew what was there and now you are asking us to devalue our homes by putting up a three story motel.

Bobbie Fallon questioned the credibility of the Board. She commented that they seem to say one thing and then change their opinion the following week.

Trustee Gunza pointed out that the Village is still waiting for reviews from the Orange County Planning Board and discussions continue. There is no action being taken now.

The Mayor responded that nothing has been adopted yet. The Master Plan is still a work in progress.

Marilyn Kelly, 65 Mountain Ave., came before the Board to bring to their attention a serious matter. Suicides and attempted suicides are on the rise. Today's economy and the war in Iran and Afghanistan have taken its toll on many people. She is working with a couple of other people to put a program together called SPEAK (Suicide Prevention Early Awareness Kit). She came to ask support of the Village Board as this program develops.

The Board supports her efforts and the development of this program.

Trustee Gunza asked if the Board was going to sit down and discuss possibilities for the economic stimulus package. The Mayor said he would set something up.

A motion was made by Trustee Brown to approve the bills and claims for $161,034.10 from the following listed funds:

General Fund	$30,178.19
Water Fund	$10,549.67
Sewer Fund	$11,007.25
Capital Fund	$ 109,298.99

The motion was seconded by Trustee Mellon and unanimously carried.

A motion was made by Trustee Bosch to adjourn. The motion was seconded by Trustee Brown and unanimously carried.

The meeting closed at 7:20 P.M.

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Regina M. Taylor, Village Clerk