

REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF HIGHLAND FALLS

November 7, 2016

A regular meeting of the Board of Trustees of the Village of Highland Falls was held in Town Hall, 254 Main Street, Highland Falls, New York on November 7, 2016.

The Meeting was called to order by Mayor Flynn at 7:10P.M.

Members present were:

Mayor Patrick Flynn  
Trustee Brian Aylward  
Trustee Robert Mellon

Member absent was:

Trustee Anthony Farina  
Trustee Barbara Murphy

Also present were:

Village Clerk, Regina M. Taylor  
Village Treasurer, Ed Magryta  
Village Attorney, Alyse Terhune  
Planning Board Chairman, James Ramus  
Chairman Police Commission, Dan Ricci  
Barbara Mennite, EDC representative  
Camera Operator, Sean Lackhan  
News of the Highlands Editor, Mary Jane Pitt  
Taylor Palmer, Cuddy & Feder LLP  
Approximately 6 community members

Mayor Flynn opened the meeting with a moment of silence for all our fallen soldiers and community members since the last meeting.

James Ramus, Planning Board Chairman, remarked to the Village Board in reference to the petition for zoning amendment regarding the property 105-5-6.2. Mr. Ramus commented that the subdivision of the property had a significant review by the Planning Board and that the time to rescind any decision on the subdivision had expired therefore he would like the Village Board to make a decision on the rezone, one way or another, so that the applicant can move forward.

Mr. Ramus remarked that he saw a resolution had been passed by the Board on public utilities and wondered if their decision was being held up because certain companies may be interested in the property. The Mayor responded no.

TOH Ambulance Captain Marty Byrnes and Board of Directors Member Chris Byrnes came before the Board to remind voters that there is a proposition on the ballot to extend the length of service program for members of the Ambulance Corp from twenty years to thirty years, with a cap of \$600 year. Ms. Byrnes asked voters to vote yes to extend the program.

The Treasurer's report was presented by Village Treasurer Ed Magryta and included the following updates:

- a. Monthly Financial Update-Revenue and Expense Control Reports available for review.
- b. 2015/2016 Annual Audit to start the week of 11/14.
- c. New Three Year Energy Provider Contract (Direct Energy). Savings of \$30K over 3yrs expected
- d. Moodys Annual Debt Report-A1 Neutral, "Sound Credit Position".
- e. Annual Financial Statement for Village Debt –under review.
- f. NY Class Accounts (Reserve Funds)-Statements are available for review.

Trustee Mellon reported that he would be meeting with the Chief Wastewater Plant Operator and an engineer to discuss the gas furnace. Trustee Mellon explained that the furnace was written up as a violation in a recent DEC report. Trustee Mellon reported that he would like to get a cost of replacing the furnace, to include the bid process and engineering of the project. Mr. Magryta commented that the Sewer Fund is healthy and together with the reserve funds that are available, depending on how the meeting goes, it's very feasible the project could be done.

Trustee Aylward presented the Police Report for October 2016 and reported that the Board is looking into a usage policy for the Senior Center.

Barbara Mennite, EDC Representative, reported that she attended a program sponsored by the NY Department of State on Sustainable Development and Collaborative Governance, in other words, how communities can work together to develop a future that can last. Ms. Mennite reported that it was very informative and she was able to get information that the EDC could look through and see what could be implemented locally.

Ms. Mennite reported that the next Chamber meeting will be Dec. 2<sup>nd</sup> at Thayer Gate Deli. Ms. Mennite reported that a survey has been put out to see what kind of services people are looking for.

Mayor Flynn reported that the Town of Highlands was looking for someone to open and close the Senior Center and work with the programs for the Seniors on a daily basis. The Mayor reported that soccer season has ended and youth basketball has begun and a clinic will be held on Dec 3<sup>rd</sup>.

Mayor Flynn commented that the EDC was formed to take on major projects for the Village and he appreciates their efforts.

Mayor Flynn reported that the Answer to Cancer fundraiser will be coming back on June 10, 2017 and that they are looking to add a 5K race this year and more details will emerge as the time nears.

Mayor Flynn thanked our local representatives for grants they gave the Village and reminded everyone of the upcoming food drive.

Mayor Flynn commented that he would like to push the Alert System and encouraged the community to sign up for it to help keep them aware of the many events going on in the community.

Taylor Palmer, Representative of Cuddy & Feder, LLP came before the Board on behalf of his client's Petition for a Zoning Amendment for the property 105-5-6.2. Mr. Palmer respectfully submitted that the rezone request before the Board is a small portion of the property and asked that, if the Board sees fit, would consider making a decision on the matter tonight. Mr. Palmer pointed out that the rezone is consistent with the existing comprehensive Master Plan.

Trustee Mellon remarked that he has spoken with counsel who addressed his concerns that it wasn't spot zoning and was prepared to make a decision. Trustee Aylward remarked that the zoning boards are being combined and he would like to get our laws consistent with the Town and would then feel better about making a judgment on this issue. Mayor Flynn commented that if a developer wants to come in the Board can address it at that time. Mayor Flynn also pointed out that the codes are being worked on and he would like to hold off on any rezone, but is willing to make a decision tonight to close the matter.

The Village Attorney clarified that there is an ongoing effort with the Town Planning Board and the Village Planning Board with the help from the Orange County Department of Planning to combine the zoning laws so the Town and Village mirror each other and so that one book will be worked out of. The Village Attorney responded that it is not an issue of the comprehensive plan.

Trustee Mellon motioned to approve the Petition for a Zoning Amendment as requested for Alo Property 105-5-6.2. The motion was seconded by Trustee Aylward and on a roll call vote, the results which follow:

1 Aye (Mellon) 2 Nays (Aylward/Flynn) 2 Absent (Farina/Murphy)

motion denied.

The Village Attorney commented that she would prepare a formal resolution for the minutes and the applicant.

Trustee Mellon motioned the following:

Village of Highland Falls  
Board of Trustees  
Resolution On Petition For Zoning Amendment

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

1 Aye 2 Nays 2 Absent

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

Trustee Mellon motioned to open a public hearing for a Notice of Violation and Order to Remedy and Notice of Hearing issued to the property owner of 20 Mountain Avenue Street Tax Map No. 104-3-30 for the failure to maintain overgrowth of high grass, weeds & bushes on property, in violation of the Village of Highland Falls Property Maintenance Code 170-1 Detrimental growth prohibited. The motion was seconded by Trustee Aylward and unanimously carried. The public hearing opened at 7:50P.M.

No one was present to represent the property. No comments were heard or questions asked.

Trustee Aylward motioned to close the public hearing. The motion was seconded by Trustee Mellon and unanimously carried. The public hearing closed at 7:51P.M.

Trustee Mellon motioned the following:

Village of Highland Falls Board of Trustees  
Resolution  
Concerning Violation of Property Maintenance  
20 Mountain Avenue 104-3-30

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

3 Ayes 0 Noes 2 Absent (Farina/Murphy)

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

Trustee Mellon motioned to surplus 2002 Ford Crown Victoria Police Car as recommended by the Village Street Superintendent. The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Mellon motioned to accept the resignation of FT Laborer, John McCarthy Jr., effective October 18, 2016, with regret.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Mellon motioned to accept the resignation of Police Sergeant Paul Troy, Jr., effective November 9, 2016, with regret.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Mellon motioned to approve the request from the Fire Chief for live fire training at the OC Training Center in New Hampton, Tuesday, November 15<sup>th</sup> and Thursday, November 17<sup>th</sup>.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Aylward motioned to approve the request from the Fire Chief to take apparatus to live fire training at the OC Training Center in New Hampton, Tuesday, November 15<sup>th</sup> and Thursday, November 17<sup>th</sup>.

The motion was seconded by Trustee Mellon and unanimously carried.

Trustee Aylward motioned the following:

Resolution  
General Village Election

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

3Ayes 0 Nays 2 Absent (Farina/Murphy)

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

A motion was made by Trustee Aylward to approve the bills and claims for \$114,412.61 from the following listed funds:

FY 16-17	General Fund	\$24,298.09
	Section 8	\$64,058.00
	Water Fund	\$16,990.00
	Sewer Fund	\$ 9,066.52

The motion was seconded by Trustee Mellon and unanimously carried.

Public Comment:

Frank Schmidt, 1 Hudson Dr, questioned the Village Board that if rezoning areas are being considered, when would public hearings be held. Mayor Flynn explained that the two Planning Boards are working on combining the zoning codes into one document for both communities. The Village Attorney clarified that before any law to modify zoning could be passed, a public hearing would be required and any proposed changes would be made available to the public. Mr. Schmidt asked if the meetings were open to the public. The Village Attorney responded that they do not meet regularly and that Mr. Schmidt should check with the Boards themselves for when meetings are held.

Board Comment:

Trustee Mellon commented that he would like to move forward with the Senior Center bid notification. Trustee Mellon asked for the Clerk to follow up with the Village Engineer to get the bid notification in the newspaper. Trustee Mellon commented that there is a grant due in January that might assist with the Village putting in an electric car charger station and he would like to move forward with the application process. Trustee Mellon commented he would bring more information to the Board as he gets it.

Trustee Aylward thanked Barbara Mennite for all the work she has done on behalf of the EDC and the Village. Trustee Aylward commented that the projects Mr. Ramus brought up were outside the domain of the Village Board.

Mayor Flynn thanked Home Depot for the grant they awarded the American Legion to help them renovate their building and that the American Legion membership was still looking for anyone to help complete other repair work that needs to be done. Mayor Flynn commented that Mr. Ramus was mentioning companies that are involved with the privatization of utilities on West Point. The Mayor explained that it is the LDC group, not the Village that is involved and that they are not looking at the Alo property.

Trustee Aylward motioned to go into executive session on advice of counsel concerning the legal implications of a 2015 resolution concerning specific real property. The motion was seconded by Trustee Mellon and unanimously carried.

The Board entered executive session at 8:20P.M.

Trustee Aylward motioned out of executive session. The motion was seconded by Trustee Mellon and unanimously carried.

The Regular meeting reconvened at 10:40P.M. No action was taken.

Trustee Mellon motioned to adjourn. The motion was seconded by Trustee Aylward and unanimously carried.

The meeting closed at 10:40P.M.

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Regina M. Taylor, Village Clerk