

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

October 3, 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 October 3, 2016.

The Meeting was called to order by Mayor Flynn at 7:00P.M.

Members present were:

Mayor Patrick Flynn
Trustee Brian Aylward
Trustee Robert Mellon
Trustee Barbara Murphy

Member absent was:

Trustee Anthony Farina

Also present were:

Village Clerk, Regina M. Taylor
Village Treasurer, Ed Magryta (7:33pm)
Village Attorney, Alyse Terhune
Police Chief Kenneth Scott
Planning Board Chairman, James Ramus
Chairman Police Commission, Dan Ricci
O.C. Legislator, James DiSalvo
Camera Operator, Sean Lackhan
News of the Highlands Editor, Mary Jane Pitt
Approximately 20 community members

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

Trustee Aylward motioned to open a public hearing on the Petition for a Zoning Change in reference to SBL 105-5-6.21, filed by Alo Construction Co., Ltd. The motion was seconded by Trustee Murphy and unanimously carried.

The Public Hearing, as duly advertised, opened at 7:02 PM. Representing Alo Construction Co., Ltd. was Mr. Taylor Palmer, Attorney from Cuddy & Feder LLP and Mr. Tom Cerchiara, from Land Tec Surveying.

Mr. Palmer stated that Alo Construction Co., Ltd was previously before the Village Planning Board for a subdivision approval and now is respectfully asking the Village Board to consider a rezone of approximately 13% of an approved subdivision from R-5A to B-1 and that there is no construction proposed with the rezone petition.

Trustee Mellon commented that he sees this as "spot zoning" and the matter should be before the Planning Board. Trustee Murphy questioned a road that is on the approved site map that has not been approved and the Board does not want approved. Mayor Flynn commented that the matter of the road was brought to the Board's attention today and they would like time to research the matter. The Mayor explained that the road previously approved is the road where the West Point Motel is and the road that is kind of there is not the actual road that was approved on the plan.

Mr. Palmer clarified that the property is accessed by two frontages, one off Regina Road and one off Havens Road. Mr. Palmer responded that there are no new roads proposed and no construction proposed with this project only a rezone of 13% of an approved subdivision. Mr. Palmer also commented that the Planning Board submitted a positive letter when requested for comment by the Village Board and that it was not spot zoning.

Mr. Ned Kopald, 189 Main Street, asked for a clarification on the property that was being discussed. Mr. Cerchiara showed the approved map and the portion that they are looking to rezone for the public to see. Mr. Palmer explained that the three contiguous properties on Main Street are B-1. Mr. Kopald asked how long they've been B-1. Mr. Palmer answered for at least since the zoning map has been updated, but could have been before that. The Village Attorney confirmed that the properties are B-1 in the Comprehensive Master Plan that was adopted in 2009.

All comments were heard and all questions were answered. Trustee Aylward motioned to close the public hearing. The motion was seconded by Trustee Mellon and unanimously carried.

The Public Hearing closed at 7:12P.M.

Trustee Murphy motioned to open a public hearing on the Introductory Local Law Dissolution of the Village of Highland Falls Planning Board. The motion was seconded by Trustee Aylward and unanimously carried.

The Public Hearing, as duly advertised, was opened at 7:12PM.

Dr. Aundrea Matthews, 30 West Street, asked the Board to explain the law. Mayor responded that it's the combining of the Town and Village Planning Boards into one Consolidated Planning Board. The Mayor explained that this was on the agenda years ago, but it's this Board that is moving it forward. Mayor Flynn further explained that this is one of many processes needed before the Boards will be combined. Dr. Matthews asked how the 1/3, 2/3 number is determined. Mayor Flynn explained it was based on population. Dr. Matthews commented that the Board should show how the quality of life will be better by showing real numbers. Mayor Flynn responded that this has been talked about for a while and we are not just doing it, we believe it's time.

Bonnie Snow, 41Ft. Putman Street, asked if it would save money. The Mayor responded that we believe it will.

James DiSalvo, 20 Villa Parkway, asked to remove the reference to cost efficiency in the legislative intent section because, he says, budget to budget the Village resident will pay $\frac{3}{4}$ of the Town Planning Board Budget which is more than they currently pay for the Village Planning Board Budget. The Mayor responded that residents will pay more by approximately \$1000 a year.

Mr. DiSalvo commented that he had called the State about the competitive grant that the State is offering to ask how many municipalities had been helped and he was told roughly 26 million dollars to 250 municipalities. Mr. DiSalvo commented that the Planning Board is a small window, and this will cost the Village resident more so the line for cost efficiency should come out.

Mayor Flynn responded that he believes the Town Board will have the budget together after year one. Mayor Flynn stated that the State will provide grant money, but only for a full consolidation, to include Police & DPW. Mayor Flynn commented that he believes consolidation of the Planning Boards will be more efficient and more effective.

Ned Kopald, 98 Roe Ave, asked if a new Board is formed, will there be new members? The Mayor responded that the current Town Board members will remain. The Village Attorney then explained how the consolidated board would be appointed through the intermunicipal agreement. Mayor Flynn explained that right now on the Town Board there is two out of three Village residents and a consolidated board could have four out of five.

James Ramus, 31 Liberty Street, asked if the Village Board knew how much savings were achieved through the other departments that have consolidated. The Mayor responded that they did not know how much was saved through other departments consolidating. Mr. Ramus commented that in the Town's tentative budget for 2017, a consolidated budget of approximately \$18,000 would be paid $\frac{1}{3}$ by Town residents and $\frac{2}{3}$ by Village residents thereby the Village resident paying more for the Consolidated Town Board than they currently pay for the Village Board. Mr. Ramus commented that the Town made a great deal. Mr. Ramus asked the Village Board if they were comfortable with the date of April 1, 2017 for the Consolidated Board to take effect. The Mayor said the Town asked for that date and the Village is amenable to it.

All comments were heard and all questions were answered. Trustee Murphy motioned to close the public hearing. The motion was seconded by Trustee Aylward and unanimously carried.

The Public Hearing closed at 7:39P.M.

Trustee Murphy reported that she had met with West Point officials to review the DAM Emergency Action Plans and recommended that the Mayor could sign the plans.

Police Chief Scott presented the Police Department Report for September 2016.

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 AUD filed with OSC. Fund balance looks good right now.
- c. GASB 45 actuarial is complete and available for review. Treasurer Magryta urged the Board to review.
- d. NY Class Account (reserve funds) Statements are available for review.

Trustee Aylward mentioned a committee made up of Town Councilmember Tyrone King, Trustee Aylward, Ann Molina and Agnes Saffoury that is looking at programming for all Seniors beyond the "Highlanders".

Discussion was held on the Marina Property located at 72 Station Rd. Mr. John Coladonato spoke to the Board regarding a code violation on the property regarding the parking of Recreational Vehicles on the property. Mr. Coladonato explained he received a permit from the previous Building Inspector and does not believe a violation exists. The Village Attorney explained that if the Building Permit was issued in error, it is not valid, per NYS law. The Village Attorney explained the options available to Mr. Coladonato include an appeal to the Consolidated ZBA for a change in use or a petition to the Village Board for a zone change.

Trustee Mellon updated the Board that it could take up to five months to get a purchase agreement in place with Orange and Rockland to purchase the street lights. Trustee Mellon commented that he believes there will be significant savings when LED lighting is installed.

Discussion was held on a request to use the Senior Center for a "Paint & Sip" event on October 28th. Trustee Mellon commented that he would like to see a policy put into place before any approvals are given. Mayor Flynn commented that he would like to see the building rented out. Mayor Flynn reported that it will remain under review and the interested party should supply an insurance certificate before the meeting on the 17th. No action was taken.

Discussion was held on a proposal from Jean Talman to work with the Village to assist in the compliance of the Section 8 program. No action was taken.

Discussion was held on a memo from the Purchasing Clerk regarding the agreement renewals with Time Warner Cable for the different Village departments which indicate savings of approximately \$800 per month in total. The purchasing clerk was seeking approval to sign off on the agreements.

Trustee Mellon motioned to approve the Purchasing Clerk to move forward with the renewal of the Time Warner Cable agreements with a savings of approximately \$800 per month in total.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Aylward motioned to approve the below listed minutes as follows:

- a) Regular Meeting –September 19, 2016

The motion was seconded by Trustee Murphy and unanimously carried.

Trustee Murphy 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 155 Main Street Tax Map No. 105-7-8 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 Mellon and unanimously carried. The public hearing opened at 8:30P.M.

Mr. Johnson was present to represent the property. After all comments were heard, the Village Board tabled the resolution.

Trustee Aylward motioned to close the public hearing. The motion was seconded by Trustee Murphy and unanimously carried. The public hearing closed at 8:37 P.M.

Trustee Aylward 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 104-105 Main Street Tax Map No. 104-5-9.2 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 Murphy and unanimously carried. The public hearing opened at 8:37P.M.

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

Trustee Mellon motioned to close the public hearing. The motion was seconded by Trustee Murphy and unanimously carried. The public hearing closed at 8:40P.M.

Trustee Aylward motioned the following:

Village of Highland Falls Board of Trustees
Resolution
Concerning Violation of Property Maintenance
104-105 Main Street 104-5-9.2

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

4 Ayes 0 Noes 1 Absent (Farina)

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

Trustee Aylward 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 128 Mountain Avenue Tax Map No. 102-1-31.2 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 Mellon and unanimously carried. The public hearing opened at 8:40P.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 8:42P.M.

Trustee Murphy motioned the following:

Village of Highland Falls Board of Trustees
Resolution
Concerning Violation of Property Maintenance
128 Mountain Avenue 102-1-31.2

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

4 Ayes 0 Noes 1 Absent (Farina)

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

Trustee Murphy 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 9 Prospect Street Tax Map No. 103-24-4 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 8:42P.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 Murphy and unanimously carried. The public hearing closed at 8:44P.M.

Trustee Aylward motioned the following:

Village of Highland Falls Board of Trustees
Resolution
Concerning Violation of Property Maintenance
9 Prospect Street 103-24-4

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

4 Ayes 0 Noes 1 Absent (Farina)

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

Trustee Aylward 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 138 Mearns Avenue Tax Map No. 105-1-18 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 Murphy and unanimously carried. The public hearing opened at 8:44P.M.

No one was present to represent the property. No comments were heard or questions asked. Trustee Murphy motioned to close the public hearing. The motion was seconded by Trustee Aylward and unanimously carried. The public hearing closed at 8:46P.M.

Trustee Aylward motioned the following:

Village of Highland Falls Board of Trustees
Resolution
Concerning Violation of Property Maintenance
138 Mearns Avenue 105-1-18

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

4 Ayes 0 Noes 1 Absent (Farina)

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

Trustee Murphy motioned to authorize the Mayor to sign the Fire Department Lease Agreement for the Truck Room Rental for FY 2016-2017.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Aylward motioned to authorize the Mayor to sign the contract with the LA Group for the Highland Falls Waterfront Redevelopment Feasibility Study.

The motion was seconded by Trustee Murphy and unanimously carried.

Trustee Aylward motioned to complete the probation of PT Police Officer Adam Mercado, per the recommendation from Police Chief Scott.

The motion was seconded by Trustee Murphy and unanimously carried.

Trustee Aylward motioned to accept the resignation of PT Police Officer Jeffrey Pitt, effective October 15, 2016, with regret.

The motion was seconded by Trustee Murphy and unanimously carried.

Trustee Aylward motioned to approve the Halloween Trunk or Treat scheduled for October 31st from 5:30pm to 7:30pm in Municipal Lot#2, pending insurance requirements are turned into the Village Clerk prior to the event.

The motion was seconded by Trustee Murphy and unanimously carried.

Trustee Murphy motioned to approve the Halloween Parade scheduled for October 30th from 2:45pm to 4:00pm, pending insurance requirements are turned into the Village Clerk prior to the event.

The motion was seconded by Trustee Mellon and unanimously carried.

Trustee Murphy motioned to authorize the Mayor to sign the acknowledgement receipt of the DAM Emergency Action Plans of West Point as requested.

The motion was seconded by Trustee Aylward and unanimously carried.

A motion was made by Trustee Murphy to approve the bills and claims for \$132,485.72 from the following listed funds:

FY 16-17	General Fund	\$50,788.76
	Section 8	\$60,108.00
	Water Fund	\$ 9,196.34
	Sewer Fund	\$12,392.62

The motion was seconded by Trustee Aylward and unanimously carried.

The matter to grant a Zoning Change as requested by Alo Construction Co Ltd was tabled until the next Village Board meeting and any questions regarding the request should be given to the Village Attorney.

Trustee Murphy motioned the following:

Village of Highland Falls Board of Trustees
Resolution Authorizing the Mayor to Enter Into An
Intermunicipal Agreement With the Town of Highlands To
Establish A Consolidated Town of Highlands And Village of
Highland Falls Planning Board

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

4 Ayes 0 Nays 1 Absent (Farina)

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

The Village Attorney advised the Village Board that the Local Law for Dissolution included a provision§ 30-6, that allows the Village Board to appoint members to the Consolidated Board from either the Town or Village. The Village Attorney also informed the Village Board that in Section §30-2, “pursuant to the Intermunicipal Agreement” would be added to the first line in Section A.

The Village Board was in agreement for these inclusions.

Trustee Mellon motioned the following:

Village of Highland Falls
Resolution Of Adoption
Local Law No.3 of 2016
Dissolution of the Village of Highland Falls Planning Board

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

4 Ayes 0 Noes 1 Absent (Farina)

motion carried.

Public Comment:

Bonnie Snow, 41 Ft. Putnam Street, asked the Board to find somewhere else in the budget to decrease if the Village residents will pay more for a Planning Board. Ms. Snow spoke in favor of keeping a local dispatch unit. Ms. Snow commented that cars have limited visibility at the top of Brown's Hill and asked if that area could be looked at.

Keith Byron, PBA Counsel, spoke on behalf of the Police Dispatchers and Police Officers. Mr. Byron commented that there is a concern for the elimination of services. Mr. Byron pointed out services that local dispatch does that E911 will not do. Mr. Byron commented that E911 does not take walk-ins. Mr. Byron pointed out to the Board that they increased funds by forming a Police Commission and paying a Commissioner \$15,000 for six months.

Merv Livsey, 107 Mountain Avenue, questioned the Board as to why the need to eliminate dispatchers now when the taxpayer has already funded the positions. Mr. Livsey commented that it is important for local dispatchers because of our location. Mr. Livsey commented that the Board is dismantling a good Police Department and that the Board has not made available any real costs.

Mayor Flynn responded that the study is not being done because there is a beef with the Police Department. Mayor Flynn commented that the study is being done to get the answers. Mayor Flynn responded that it will be the community's decision to move forward with the Police Consolidation.

James Ramus, 31 Liberty Street, asked the Board what is the feasibility study for. The Mayor responded that it was a study for the marina property. Mr. Ramus informed the Board of some Planning Board equipment that should move over to the Town when the merger of the two Planning Boards is completed.

Jeff Gathers, 17 Fostoria Street, commented that as an ambulance corp member he is not in favor of disbanding the 3rd shift and is wondering why they are getting rid of the Police before the study is done.

The Mayor responded that nothing is being done with Police until the study is completed.

Frank Schmidt, 1 Hudson Dr., reported that he asked a question on the reorganization study website and has not received an answer. The Mayor commented that we will look into it.

Jennifer Farrell, FT Police Officer, commented that response time for E911 calls is longer than local dispatch. Ms. Farrell asked the Board why do they want to outsource 911 when they continue to promote everything local.

Trustee Murphy motioned to go into executive session. The motion was seconded by Trustee Mellon and unanimously carried.

The Board entered executive session at 9:51P.M.

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

The Regular meeting reconvened at 10:47P.M. No action was taken.

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

The meeting closed at 10:47P.M.

Regina M. Taylor, Village Clerk