

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

September 19, 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 September 19, 2016.

The Meeting was called to order by Mayor Flynn at 7:06P.M.

Members present were:

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

Also present were:

Village Clerk, Regina M. Taylor  
Village Attorney, Alyse Terhune (7:32pm)  
Planning Board Chairman, James Ramus  
Town Planning Board Chairman, Erik Smith  
Police Commission Chairman, Daniel Ricci  
Orange County Legislator, James DiSalvo  
News of the Highlands Editor, Mary Jane Pitt  
Camera Operator, Sean Lackhan  
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.

Mr. John Strangeway, a representative of EV Ductless Paint Removing was on hand to answer questions and explain the process by which paint is removed from buildings using a product that removes lead at the molecular level and is then safely disposed of. Mr. Strangeway explained that his company is an EPA certified lead safe firm. Trustee Murphy asked if a short form environmental review could be done to determine if a negative declaration could be made to the process having no environmental impact. Mr. Strangeway responded yes. The Mayor thanked Mr. Strangeway for coming to the meeting to explain the process and answer questions.

Trustee Mellon motioned to open a public hearing on the application of the Village for a RestoreNY Grant Initiative and the list of properties that fall within the scope of the project. The motion was seconded by Trustee Murphy and unanimously carried.

A Public Hearing was opened at 7:16pm.

Mayor Flynn introduced Mrs. Barbara Mennite, a member of the HFEDC, that has volunteered her time to work with the Village on the submission of the application.

Mrs. Mennite explained that she has gotten estimates for the buildings which fall in the scope of the project, Mountain Avenue to Cozzens Avenue, and the square footage of the areas to be rehabilitated. Mrs. Mennite explained the grant application process and what needs to be submitted with the application. Mrs. Mennite explained the requirements that determine eligibility and that the Village must also commit to an application fee, 10% match whether it be cash and/or in-kind service and a 1% fee upon an award being given. Mrs. Mennite commented to the Board that the property owners must sign letters of commitment and that the Planning Board will need to provide a letter in support of the application.

James Ramus, 29 Liberty Street, asked the question of what if the inside of the building gets contaminated during the process, who is responsible. The Mayor responded he would get the answer to this. Trustee Mellon reiterated the process that the paint is removed of the lead content before it is disposed of, therefore there should be no contamination. James DiSalvo, 29 Villa Pkwy, asked if it was a competitive grant to which the Mayor responded yes. Mrs. Mennite closed by saying the Village was encouraged to submit this application by the Empire State Development Corporation.

All questions answered and all comments heard, Trustee Murphy motioned to close the Public Hearing. The motion was seconded by Trustee Aylward and unanimously carried. The Public Hearing closed at 7:29pm.

Trustee Aylward motioned the following:

Resolution  
Village of Highland Falls Board of Trustees  
In Support of Application for  
Restore NY  
Communities Initiative

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

5 Ayes 0 Noes

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

Aundrea Matthews from the Buffalo Soldiers Association (BSA) of West Point reported to the Village Board that on September 29<sup>th</sup> an afterschool program, sponsored by the BSA, will begin with West Point Cadets teaching Science, Technology, Engineering, Art and Math to our intermediate school age children. Ms. Matthews explained

the Association is geared toward working with youth programs and looks forward to reaching out further into the community. Mayor Flynn thanked Ms. Matthews for everything she has done already and continues to do for the community.

Discussion was held on a Zoning Change Petition that was submitted by the representatives of the Alo Property, 105-5-6.21 to the Village Board. The Planning Board, as requested by the Village Board, gave their written comments to the Village Board regarding this request. Mr. Harvey Green, a member of the Planning Board, spoke out against the petition to zone change a portion of the property in opposition to the Planning Boards comments approving the change request. Mr. Green reported to the Village Board that he was against the petition. The Mayor commented that he would like to see the change made so the property could be priced to sell. Trustee Murphy commented that it strikes her as being a correction of a property line. The Village Attorney opined that she does not see it as spot zoning, nor does she see it setting a precedent. The Attorney commented that if the petition is not granted, it does allow for another process. The Attorney advised the Board that a public hearing must be held before any decision is made.

Trustee Farina motioned to set a public hearing on the Petition for Zone Change on the Alo Property, SBL 105-5-6.21 for October 3<sup>rd</sup> in Town Hall at 7:00PM and for the clerk to publish in the newspaper accordingly.

The motion was seconded by Trustee Murphy and unanimously carried.

Discussion was held on an Agreement for Consultant Services from the LA Group to the Village Board for the work they intend to perform on the Highland Falls Waterfront Redevelopment Feasibility Study. The Village Attorney presented to the Village Board an Addendum to the Agreement for Consultant Services after her review of the original contract.

Trustee Mellon motioned to send the Addendum to the Agreement for Consultant Services as prepared by the Village Attorney to the LA Group for incorporation into the contract or approval as an addendum to the contract.

The motion was seconded by Trustee Farina and unanimously carried.

Discussion was held on the consolidation of the Village Planning Board with the Town Planning Board. James Ramus, Village Planning Board Chairman reported on concerns for cost and current applications before the Board. Erik Smith, Town Planning Board Chairman, commented that the town budget includes for a consolidated board and he worked with input from Mr. Ramus to come up with a number. Mr. Smith commented he didn't want to have to do this again next year. Mayor Flynn reported that the Town's Tentative Budget has \$18,000 for a consolidated planning board. The Mayor explained the Village Residents will pay 2/3 of that or \$12,000. Mr. Ramus reminded the Board that the current Village Planning Board budget is less than that amount. The Mayor thanked both Chairmen for all the work both Boards have done.

Discussion was held on a memo from the Historical Society President, Stella Baily, requesting support and permission from the Village Board to store over 50 volumes of the News of Highlands that were donated to the Historical Society by Mrs. Eristoff, on the third floor in Village Hall, to be used for research purposes.

Trustee Aylward motioned to approve the request from Stella Baily to store the donated volumes of the News of the Highlands to the Historical Society on the third floor in Village Hall.

The motion was seconded by Trustee Murphy and unanimously carried.

Discussion was held on material sent from NYPA regarding Electric Car Charging Stations. Trustee Mellon will look into this further and report back to the Village Board.

Discussion was held on the estimate of a new digester furnace and heat exchanger that Chief Wastewater Treatment Plant Operator, John Jones, provided the Village Board, as requested by Mayor Flynn. No action was taken at this time.

The WWTP report for August 2016 was presented by Trustee Mellon.

Trustee Murphy reported that the Fire Department has been cleaning up Engine 428 in preparation for the Orange County Parade.

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

- a) Regular Meeting –September 6, 2016

The motion was seconded by Trustee Farina and unanimously carried.

Trustee Murphy motioned to accept the resignation, with regret, of Full-time Police Officer Kyle Esposito, effective September 15, 2016.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Mellon motioned to approve Dispatcher Allen to the position of Dispatch Supervisor, per the recommendation of Police Chief Scott, with an increase of \$2.25 per hour in her salary, per the collective bargaining agreement, effective immediately.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Murphy motioned to approve the O'Neill High School Homecoming Parade/Pep Rally to be held on Sunday, October 2<sup>nd</sup> from 4:30pm-6:00pm (Parade at 5:00pm heading south from Buffalo Soldier Field on Main Street to municipal lot#2) with Pep Rally in municipal lot#2.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Aylward motioned the following:

Resolution for Final Notice and  
Termination of Service for Unpaid Water Bills  
For: May 2016

The motion was seconded by Trustee Farina and unanimously carried. (A true and complete copy of the 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 6 Cooks Lane, Tax Map No. 104-8-10 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 8:28P.M.

No one was present to represent the property. James Ramus, 29 Liberty Street, asked if this was one of the properties that was a zombie property that was talked about at the last meeting. Trustee Farina commented that it could be, but that has not been determined yet. All questions were asked and comments heard.

Trustee Mellon motioned to close the public hearing. The motion was seconded by Trustee Farina and unanimously carried. The public hearing closed at 8:29 P.M.

Trustee Aylward motioned the following:

Village of Highland Falls Board of Trustees  
Resolution  
Concerning Violation of Property Maintenance  
6 Cooks Lane 104-8-10

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

5 Ayes   0 Noes

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 10 Muller Avenue, Tax Map No. 103-19-9 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 8:31P.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 Farina and unanimously carried. The public hearing closed at 8:31P.M.

Trustee Aylward motioned the following:

Village of Highland Falls Board of Trustees  
Resolution  
Concerning Violation of Property Maintenance  
10 Muller Avenue 103-19-9

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

5 Ayes   0 Noes

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 79 Mountain Avenue, Tax Map No. 102-4-4 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 8:36P.M.

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

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

Trustee Aylward motioned the following:

Village of Highland Falls Board of Trustees  
Resolution  
Concerning Violation of Property Maintenance  
79 Mountain Avenue 102-4-4

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

5 Ayes   0 Noes

motion carried. ( A true and complete copy of this 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 65 Center Street, Tax Map No. 103-21-9.2 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 Farina and unanimously carried. The public hearing opened at 8:38P.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 8:38P.M.

Trustee Aylward motioned the following:

Village of Highland Falls Board of Trustees  
Resolution  
Concerning Violation of Property Maintenance  
65 Center Street 103-21-9.2

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

5 Ayes 0 Noes

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 21 Sweezy Avenue, Tax Map No. 103-22-7 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 Murphy motioned to close the public hearing. The motion was seconded by Trustee Farina and unanimously carried. The public hearing closed at 8:40P.M.

Trustee Murphy motioned the following:

Village of Highland Falls Board of Trustees  
Resolution  
Concerning Violation of Property Maintenance  
21 Sweezy Avenue 103-22-7

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

5 Ayes 0 Noes

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

Trustee Farina 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 29 Church Street, Tax Map No. 103-10-17 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 8:42P.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 Farina 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  
29 Church Street 103-10-17

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

5 Ayes 0 Noes

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

A motion was made by Trustee Aylward to approve the bills and claims for \$77,162.34 from the following listed funds:

FY 16-17	General Fund	\$24,189.38
	Water Fund	\$41,273.72
	Sewer Fund	\$11,699.24

The motion was seconded by Trustee Murphy and unanimously carried.

Board comment:

Mayor Flynn recognized members of Vision for their community service and volunteerism. Mayor Flynn also congratulated the Sheldon's on their 50<sup>th</sup> year in business with the laundromat.

Trustee Murphy asked the Village Attorney how the Village can assess property maintenance fees on a Village property that is wholly exempt from taxes. The Attorney responded that she would look into that and report back to the Board.

Trustee Murphy congratulated Rev. Judy Ferguson, from the Church of the Holy Innocents, on the celebration of her 15<sup>th</sup> anniversary held this past weekend with her parishioners and friends.

Trustee Murphy reported that Greg Wyatt, artist of the All Services Guardian Angel statue, was finalizing the project near Thayer Gate and is looking to hold a ribbon cutting ceremony on October 8<sup>th</sup>.

Trustee Aylward motioned to go into executive session for personnel matters. The motion was seconded by Trustee Farina and unanimously carried.

The Board entered executive session at 8:50 P.M.

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

The Regular meeting reconvened at 10:15 P.M.

Trustee Mellon motioned to authorize the Village Clerk to correspond in an official capacity on behalf of the Board of Trustees to Belsito Communications, Inc., the email service provider for the Village, to research and provide to the Village email documents with specific subject matter that may be used in possible litigation.

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

4 Ayes 1 Noe (Farina)

motion carried.

Trustee Farina motioned to set a public hearing for the introduction of a local law to dissolve the Village Planning Board and consolidate with the Town of Highlands Planning Board for October 3<sup>rd</sup> at 7:00PM in Town Hall.

The motion was seconded by Trustee Mellon and unanimously carried.

Trustee Mellon motioned to authorize the Mayor to sign the memorandum of agreement with the DPWEA. The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Mellon motioned to be allowed to negotiate with Orange & Rockland for the purchase of the street lights, not to exceed \$150.00 per light, which will be financed through NYPA.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Aylward motioned to approve Dispatcher Allen's position to Dispatch Supervisor with appropriate salary stipend of \$2.25/hr to be effective September 1, 2016.

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

4 Yes 1 Noe (Farina)

motion carried.

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

The meeting closed at 10:25P.M.

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Regina M. Taylor, Village Clerk