

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

July 20, 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 July 20, 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 June L. Gunza  
Trustee Joseph McCormick

Member absent was:

Trustee James DiSalvo

Also present were:

Village Clerk, Regina M. Taylor  
Street Superintendent, Gary Boyce  
Bldg. Inspector, John Hager  
Village Attorney, Alyse Terhune  
Fire Chief, Steve Suarez  
News of the Highlands Editor Emeritus, Fred Brennan  
Residents- Konstantinos Fatsis- 2 Mountain Ave, Paul Troy – Rose Dr, Max Stroppel –  
Eagle Valley, Jose Sierra – 65 Schneider Ave, Nick Camporeale, Frank Lilos – Rt 9W,  
Edward Magarity – Town of Highlands resident

A motion was made by Trustee McCormick to approve the below listed minutes as written:

a) Regular Meeting – July 6, 2009

The motion was seconded by Trustee Gunza and unanimously carried.

A public hearing, as duly advertised, was opened at 6:01 P.M., for the purpose of receiving public comment to consider adoption of Introductory Local Law entitled "Landlord Registry". Mayor D'Onofrio presented for the record the Notice of Hearing and Affidavit of Publication. Also filed with the minutes are comments submitted by Ms. Jean Sharp, Homestead Ave., regarding this local law.

Mr. Paul Troy asked if it was publicized that the law was introduced at the last meeting. The Mayor explained that the introduction does not need public notice, but the hearing does and it was duly published in the local newspaper and posted in public places to meet legal requirements. The meeting tonight is for public comment.

Mr. Max Stroppel wanted to know why this law is being brought up and how did it get started. The Mayor responded that the law was first brought up about two years ago and many landlords came with questions and objections and the law did not get adopted. Since then, the Mayor responded, a couple of fires in the Village have indicated overcrowding concerns. This law was reintroduced to try and prevent potential problems from surfacing. The Mayor responded that there are two ways to combat the problem, this law and through fire inspections.

John Hager, Building Inspector, responded that fire inspections are not mandated for single or 2-family residences. Fire inspections are only mandated for multiple dwellings, meaning 3 or more. Mr. Hager pointed out that this law would require 2 family residences to register and if someone rents out a single family home, that home would have to be registered.

The Mayor responded that the main purpose is for health and safety concerns of the tenants and emergency personnel who may have to respond to the property. Trustee Gunza also said the contact information is needed to know how many people might have to be evacuated or accounted for in a fire or emergency situation.

Mr. Stroppel responded that the Building Inspector should be driving around and spotting these overcrowded situations. Mr. Troy responded that the Building Department should review the size of the units allowed. Mr. Hager responded that existing apartments do not have to adhere to the current zoning laws for the size a unit must be. This only applies to new apartments being built. Mr. Troy brought up the property located at 2 Parry Ave. He said that the property owner was allowed to rebuild it to the way it was, but others now have to comply to the 900 sq ft requirement. The Mayor responded that these issues need to be brought to the attention of the Planning Board.

Konstantinos Fatsis commented that he believes the registration form requirements would cause an undo burden on property owners to have to re-register every time tenants moved in or out. Alyse Terhune, Village Attorney, responded that the law allows for the Village Board to amend the form through a resolution so that they would not have to draft a new local law. Ms. Terhune added that this law is clear about what it addresses. It is applicable to residential units that are leased, rented or let out. It does not ask for the number of occupants, only units.

Mr. Fatsis also commented that he is not in favor of a fee being imposed. He believes this would be an unfair burden on the landlord. He believes this only penalizes "good" or legal landlords. If they own a multiple dwelling, they are already paying a fee to Town Building department for compliance of inspections.

Mr. Hager confirmed that fire inspection costs \$25.00 for a 3 family dwelling and \$5.00 per unit above that. Right now, Mr. Hager said, the assessment roll is used to determine the status of a dwelling, be it one family, two or more. The Mayor responded that if a fee were to be imposed, he believes the money should go to the building department since they will have the expense of enforcing this law. Mr. Hager recommended that no fee be set now. He would like to see everyone register and then determine, in the future, if a fee needs to be assessed for administration of the forms. Trustee Gunza confirmed with Mr. Hager that he would like the law to become effective Jan.1,2010. to allow for proper notification and establish forms. Mr. Hager said he thinks this would be best.

Ms. Terhune said the resolution can be read to allow for the law to be effective on Jan 1, 2010. She also emphasized to the public that the law does not currently ask for number of occupants. It is interested in the number of units, not the number of tenants. However, by resolution, the Board can change the form to include that if they should want to at a later time.

Mr. Hager pointed out that a state code from 1954 addresses the number of occupants and he does not see that being done now for the 3 family or more dwellings. He would like the form to answer number of occupants and recommends that the Board agree to this. He suggested that maybe the form could ask for the maximum number if they feel the exact number is to invasive. Trustee McCormick responded that the number of maximum occupants is based on number of bedrooms and there are charts that supply those answers. Trustee McCormick agrees the main purpose of this law is to address health and safety concerns.

Ms. Terhune pointed out that the state law can be enforced. Whatever the standard is should be stated on the form. However, this only is a requirement for a 3 family or more dwelling.

Mr. Stroppel wanted to know who will enforce this law and the Mayor responded that the Building Department would.

Mr. Hager wanted to clear up a matter. He said that three or more dwelling units are subject to annual fire inspections. One or two dwelling units are not, however, if the property owner allows access, private areas in these units can be inspected. Mr. Hager reported that the Building Department has been conducting fire inspections and they are going well. Property owners have been cooperative and he has seen few problems.

Ms. Terhune responded that if anyone believes there is reasonable cause to inspect a property, they should notify the building department who would have to investigate and send violation notices if necessary.

Mr. Hager concluded by saying that he doesn't believe that enforcement will be much of a problem.

No further comments being made or questions being asked, Trustee McCormick motioned to close the public hearing on Introductory Local Law "Landlord Registry".

The motion was seconded by Trustee Brown and unanimously carried. The public hearing closed at 6:45 P.M.

Trustee McCormick motioned the following:

Village of Highland Falls  
Resolution of Adoption  
Local Law No. 6-2009  
"Landlord Registry"

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

4 Ayes 0 Nays 1 Absent

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

The Building Department Report for June 2009 was presented to the Board. Trustee Gunza asked Mr. Hager for an update on the property located at 293 Main St. and 20 Schneider Ave, that were issued violation notices. Mr. Hager reported that both property owners have corrected the violations. He also reported that 4 Fostoria Street continues to make progress. Mr. Hager reported that his assistant, Larry Marshall is currently doing most of the fire inspections. He is about 1/3 through the approximately 150 that need to be done. Most owners have been cooperative with setting up appointments. Trustee McCormick asked if there have been any bi-lingual problems and Mr. Hager responded that he has not had problems with that. Mr. Hager updated the Board on 109 Mountain Ave. He reported that electrical upgrades have been performed, however, they are waiting on inspection. No one is supposed to be occupying the building until it is cleaned up. Mr. Hager said they are making progress.

The Mayor reported that the Comprehensive Plan is finally ready for adoption. It has been two years in the formulating and now the Village Board is pleased to see the project come to completion. Trustee McCormick pointed out that the plan recommends some properties on 9W should be rezoned from residential to commercial, however, this can only be done if the Board allows and only after public hearings are held. Any zone change requires public hearings and Village Board approval.

Trustee McCormick motioned the following:

Resolution of July 20, 2009

Resolution Adopting  
The Village of Highland Falls Comprehensive Plan

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

4 Ayes 0 Nays 1 Absent

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

Trustee McCormick motioned the following:

Resolution  
The Village of Highland Falls Board of Trustees  
Increase Salary

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

4 Ayes 0 Nays 1 Absent

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

The Fire Department Report was presented to the Board for review.

Trustee Gunza motioned to accept Ray McCourry as an active member of the Highland Falls Fire Department with an effective date determined when the Village Clerk receives all the necessary paperwork.

The motion was seconded by Trustee McCormick and unanimously carried

Trustee Brown motioned to accept the recommendation of Fire Chief William Lee and have the fax machine-Sharp-ux-B700, HP1200 Printer, and an outdated lap top computer, declared surplus and dispose of them

The motion was seconded by Trustee McCormick and unanimously carried.

Trustee Gunza motioned to accept the resignation of Officer Bookstein, effective August 2, 2009.

The motion was seconded by Trustee McCormick and unanimously carried.

A letter from Literacy Orange announcing a poker style motorcycle ride that will be coming through our area on August 22, 2009, was acknowledged.

A letter from the Citizens Campaign for the Environment informing the Village Board that they will be canvassing in our area starting July 13, 2009 through October 13, 2009, was acknowledged.

Trustee Brown made a motion to approve the Mayor signing a waiver of the funds from Orange County Youth Bureau for \$832.00 for 2010 Recreation Eligibility and \$747.00 for 2010 Service Eligibility to the Orange County Big Brothers Big Sisters Program.

The motion was seconded by Trustee Gunza and unanimously carried.

Trustee Brown motioned to approve the Mayor signing the Clinical Experience Contractual Agreement with Orange-Ulster Boces and the Village of Highland Falls Police Department.

The motion was seconded by Trustee McCormick and unanimously carried.

Trustee Brown motioned to approve the request from Church of God of Central Newburgh to use Ladycliff Park from August 20-22, from 6:00pm -8:30pm for the purpose of holding bi-lingual revival services, upon receipt of a certificate of liability insurance naming the Village as additional insured and a signed license agreement.

The motion was seconded by Trustee McCormick and unanimously carried.

A motion was made by Trustee McCormick to approve the bills and claims for \$40,378.47 from the following listed funds:

FY 08-09 General Fund	\$ 568.16
FY 09-10 General Fund	\$21,431.43
Water Fund	\$ 4,344.19
Sewer Fund	\$14,034.69

The motion was seconded by Trustee Brown and unanimously carried.

Trustee Brown motioned to approve Mayor D'Onofrio's request to add a \$1,200/yr stipend to the salary of Heavy Equipment Operator, James Patterson after re-evaluating his duties and this increase will be effective July 21, 2009.

The motion was seconded by Mayor D'Onofrio and on a roll call vote the results which follow,

4 Ayes 0 Noes 1 Absent

the motion carried.

The Mayor reported to the Board that the Town Supervisor has asked for additional water for the Town of Highlands. The Mayor pointed out that the Town is already authorized 75,000 gal/day and they are only using about 51% of that allotment. He doesn't know the reason they need more water when they aren't using what is already authorized. He reported he will have a meeting with the Trustee DiSalvo,

(water commissioner), Chief Water Plant Operator Kevin Hurst, Jim McDonald, himself and members of the Town to see where this water would go. The Mayor said he would report back to the Board in August.

The Mayor also reported he has given the Village Engineer information to submit for possible stimulus money to help with much needed repairs to the Sewer Plant. He is also working on a Water Quality Grant and a Parks Grant.

Frank Lilos, Rt.9W, asked the Board where the Village is with the annexed lands. The Mayor reported that the recently held Industry Forum did not result in any developer at this time, however, another Industry Forum will be scheduled in the spring.

Mr. Jose Sierra, 65 Schneider Ave. came before the Board to again bring to their attention the problem with the retaining wall in front of his house and the condition of the sidewalk. He reminded the Board that he first approached them in 2006 with his situation and was told it would be fixed. It is now almost three years later and the situation is getting worse. His house sits approximately 3ft below the wall and the wall is definitely more compromised than when he first brought this problem to their attention.

Trustee McCormick responded that he understands his plight. There are numerous problems in the Village that need attention. He will go back to Gary Boyce, Street Superintendent, to see what can be done.

Trustee Brown confirmed that it is a big job and they haven't forgotten about it.

Mr. Sierra responded that if the wall collapses, it will go right into the front of his house.

The Mayor responded that he will take Mr. McCormick and Mr. Boyce back to the house on Thursday, July 23<sup>rd</sup>. He told Mr. Sierra to call him upon his return from vacation to find out how the Village will proceed.

Trustee Brown motioned to adjourn. The motion was seconded by Trustee McCormick and unanimously carried.

The meeting closed at 7:42pm.

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Regina M. Taylor, Village Clerk