

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

May 4, 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 May 4, 2009.

The Meeting was called to order by Mayor D'Onofrio at 7:00 P.M.

Members present were:

Mayor Joseph E. D'Onofrio  
Trustee James DiSalvo  
Trustee June L. Gunza  
Trustee Joseph McCormick

Member absent was:

Trustee Harold Brown

Also present were:

Village Clerk, Regina M. Taylor  
Street Superintendent, Gary Boyce  
Code Enforcement Officer, Tim Doherty  
Police Chief, Peter Miller  
Sewer Plant Operator, Donald Conley  
Fire Captain, John Rush  
Village Engineer, Todd Atkinson, PE  
News of the Highlands Editor, Mary Jane Pitt  
Pellwood Lake Homeowners Association – Mr/Mrs. LaVelle –33 Main St ; Barbara Fallon-  
25 Main Street; Norman DeYoung- 11 Walker Rd; Richard Brannigan- 2 Walker Rd  
Resident- Jean Sharp- 11 Homestead Ave.

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

- a) Regular Meeting – April 20, 2009
- b) Special Meeting – April 23, 2009
- c) Special Meeting – April 27, 2009
- d) Special Meeting – April 30, 2009 (8:00am)
- e) Special Meeting – April 30, 2009 (6:00pm)
- f) Special Meeting – May 1, 2009

The motion was seconded by Trustee McCormick and unanimously carried.

A public hearing, as duly advertised, for the purpose of presenting the draft Annual MS4 Report for March 10, 2008 to March 9, 2009 was opened at 7:01pm. Todd Atkinson, PE, representative from J. Robert Folchetti & Associates, the Village Engineers, presented the report. Mr. Atkinson reported that the Village has met the six goals we set out to obtain this year. The goals we are working on are 1). establish a website, 2). finish marking catch basins and 3). finish mapping of sewer & stormwater lines. The Village has completed approximately 40-45 %.

Mr. Atkinson remarked that the Village is in Phase 3 of the Stormwater Plan and that the Village is in total compliance with MS4 requirements to date. If no public comments are received by May 18<sup>th</sup>, the next Board meeting, the Village Board will accept this report, by resolution.

No further comments being made or questions being asked Mayor D'Onofrio motioned to close the Public Hearing on MS4 Stormwater Report.

The motion was seconded by Trustee DiSalvo and unanimously carried.

The public hearing closed at 7:05pm.

A public hearing, as duly advertised, was opened at 7:05 pm, for the purpose of receiving public comment to consider adoption of Introductory Local Law entitled "Dogs Prohibited in Certain Parks". Mayor D'Onofrio presented for the record the Notice of Hearing and Affidavit of Publication.

Trustee Gunza commented that this law was originally introduced to include Roe Park along with Ladycliff Park and Memorial Park, and asked the Board to keep that in mind, if down the road they might look to include Roe Park again. The Mayor concurred, but pointed out the reason it was tabled last time was opposition to Roe Park being included.

No further comments being made or questions being asked, Mayor D'Onofrio motioned to close the public hearing on Introductory Local Law "Dogs Prohibited in Certain Parks".

The motion was seconded by Trustee DiSalvo and unanimously carried.

The public hearing closed at 7:06pm

Trustee DiSalvo motioned the following:

Village of Highland Falls  
Resolution of Adoption  
Local Law No. 3-2009  
“Dogs Prohibited in Certain Parks”

The motion was seconded by Trustee McCormick 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 Gunza motioned the following:

Resolution Introducing Local Law  
And Providing for Public Notice and Hearing  
“Flood Damage Prevention”

The motion was seconded by Trustee McCormick 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 for April 2009 was presented to the Board for review.

The Code Enforcement Report for April 2009 was presented to the Board for review.

The Community Development Report for April 2009 was presented to the Board for review.

The Police Department Report for April 2009 was presented to the Board for review.

In addition to the submitted report, Police Chief Miller commented, that the Department provided support to many community events this past month, including, Hannibal’s birthday party, Special Olympics, DARE- Met game, Safety Stops and two funeral escorts. The Chief also reported that 5 Officers received DWI training.

Chief Miller informed the Board that he wrote a letter to Supervisor Quaintance asking questions about their move to 911 dispatching with the County and how feasible it is that they will be operational on June 1, 2009. He will let the Board know if he receives a reply.

A motion was made by Trustee DiSalvo to approve the request from Sacred Heart School to use Roe Park and the Pavilion for Field Day to be held on Tuesday, May 26<sup>th</sup> (rain date- May 28<sup>th</sup>) from 8:30am to 3:00pm.

The motion was seconded by Trustee Gunza provided Sacred Heart provides the necessary paperwork to the Village Clerk prior to the event, and unanimously carried.

Trustee McCormick motioned to reappoint William Baran, Randy Meche, James Ramus and Angelo Tosolini, volunteer caretakers of Bog Meadow, for the 2009-2010 season, to keep an eye on the area and report any violations of local policies and provide them a key, free of charge, and identification tags.

The motion was seconded by Trustee DiSalvo and unanimously carried.

Trustee McCormick motioned the following:

Village of Highland Falls  
Resolution  
Vehicle and Traffic

The motion was seconded by Trustee DiSalvo 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 Pellwood Lake Homeowners Association came before the Board again. Barbara Fallon asked the question-Has the Village received a legal opinion from the Town Attorney regarding the Police Department being located in the Ambulance Building and what can the Pellwood Lake Association do about it?

The Mayor told them that they should be frustrated by the treatment they’ve been receiving. It’s a shame they have been bounced between Boards on this issue. He told them that the Village Attorney said they (the Town) are not going to go before the ZBA. The Village Attorney has asked the Town Attorney to put in writing why the Town shouldn’t have to go before either the ZBA or the Planning Board and what the Town is doing to alleviate the concerns of the residents in the area.

The Village has not received any letter to date. The Village Attorney told the Mayor that if the Town continued to disregard the Village codes in this matter, the only two options would be to take the Town to court or after determining if the Town did everything it needed to do, the Village agreed not to contest the move.

The Mayor read a copy of a memo that John Hager, Building Inspector wrote to the Town Supervisor in which he states that he does not believe the Town is changing the use of the building and is ready to issue a certificate of compliance, however, he recommends the Town not occupy the Building until the concerns of the Village and residents are resolved.

Mrs. Fallon wanted to know why one municipality shouldn't have to adhere to the codes of another municipality, like a resident does.

Mr. Kevin Lavelle spoke about the parking situation. He does not believe there is ample parking to accommodate what the Town is proposing to do.

The Mayor responded that the Village should avoid going to court. He would like to see the Town go before the ZBA and said they should get site plan approval from either them or the Village Planning Board.

Mr. Lavelle also asked if the Town Building Inspector should be able to do the work in the building and be the person that inspects the work? The Village Board said he should not have done any work himself.

John Rush brought up the fact that the building is also on state road 218 and asked if anyone has checked with the State on the parking situation in this area.

Jean Sharp asked if an injunction is something the Village could get to stop the Town from working in the building until the questions are answered.

Mrs. Fallon pressed the Board for answers. Mayor D'Onofrio said he would speak to the Village Attorney again and see about getting that letter from the Town Attorney and ask him if an injunction is something that is possible. Trustee McCormick said he would like to see a reply from the Town's Attorney to the questions asked, before the Village decides a course of action. Trustee DiSalvo said he personally doesn't want the Police Department in that building, however, if we take the Town to court, the Village taxpayer will probably pay 2/3's of the attorney costs. He would also like to see the Town Attorney's response. He would like to see the Town Board follow the codes that all residents are expected to adhere to. Trustee Gunza said the letter the Village Attorney sent to the Town regarding them adhering to the host municipality's laws was based on case law or decisions made by courts and not something that is binding. She would like to speak to the Village Attorney before she commented anymore.

The Mayor concluded by stating that he would call the Village Attorney tomorrow and try to get clarification on what case law means, if an injunction is something we can do or would want to do and if he ( the Village Attorney) can get the Town's Attorney to respond in writing.

Mrs. Lavelle thanked the Board for their time and how they responded to their concerns.

A motion was made by Trustee DiSalvo to approve the bills and claims for \$127,818.54 from the following listed funds:

General Fund	\$17,902.05
Community Development	\$53,501.55
Water Fund	\$ 2,610.11
Sewer Fund	\$ 7,850.00
Capital Fund	\$ 45,954.83

The motion was seconded by Trustee McCormick and unanimously carried.

Mr. Don Conley, Sewer Plant Operator, came before the Board to tell them that he is retiring in about a month and a half, after over thirty years of working for the Village and would like the Board to keep that in mind as they still haven't settled the DPWEA contract. He would like to see it settled before he retires because of the money owed him. Trustee Gunza and the Board assured Mr. Conley that even if he retires before the contract is settled, he would receive any retro pay determined by the settlement.

Trustee DiSalvo made a motion to adjourn. The motion was seconded by Trustee Gunza and unanimously carried.

The meeting closed at 8:12pm.

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Regina M. Taylor, Village Clerk