

REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF HIGHLAND FALLS
August 16, 2010

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 August 16, 2010.

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 James DiSalvo
Trustee June L. Gunza
Trustee Joseph McCormick

Also present were:

Village Clerk, Regina M. Taylor
News of the Highlands Editor, Mary Jane Pitt
Fire Chief, Erik Smith
Village Attorney, Alyse Terhune
Village Resident: Jean Sharp- 11 Homestead Ave., James Titolo -95 Mountain Ave.,
Ned Kopald – 98 Roe Ave, Tony Galu -14 Cedar Lane, Anthony Galu, Jr. -14 Cedar Lane (7:00pm)

The Village Clerk reported to the Board that the minutes for August 2, 2010 had been corrected to reflect the correct hourly rate to be paid to Mr. Paul Troy while he attends the Police Academy, according to the Part Time Police Contract. His rate of pay will be \$7.25/hr.

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

- a) Special Meeting – July 29, 2010
- b) Regular Meeting – August 2, 2010

The motion was seconded by Trustee Gunza and unanimously carried.

Mr. Konstantinos Fatsis came before the Board to petition that Soula Fatsis' (his mother) property, section 111-1-9, be zoned equally, under the local law 8-2009 Rezoning of Route 9W, to section 111-1-15.4 (Pointers Echo). He contends that when the rezoning took place, his mother's property, which is similar in size and shape, to the Pointer Echo property, was not treated equally. Mr. Fatsis referred to the Master Plan which recommended the zoning changes that did occur. Mr. Fatsis did not understand why his mother's parcel was not changed to B2 in its entirety as was the other parcels included in the law. He said he believes that the Pointer's Echo property has full benefits from the rezone and his mom's property does not.

Mr. Fatsis said he has no issue if lot 15.4 (Pointer's Echo) is zoned the same as lot 14, which is now zoned frontage as B2 and Mearns Ave. side as R3. He contends that the Pointer's Echo could develop all of its parcel, commercially, as it is now zoned. He wants to know why his mother's parcel was not zoned accordingly.

The Village Attorney, Alyse Terhune, responded that the law was created and adopted because of recommendations from the Master Plan. The zoning changes were recommended in the maps that are in the Master Plan. Ms. Terhune said she believes the intent of the zoning that was adopted was to have Mrs. Fatsis' property left with an option to continue residential. Ms. Terhune explained that this lot is a straddled property.

The Mayor responded that the Board needs to determine where the line should be drawn from the 9W side to the Mearns Avenue side.

The Mayor responded that if the Board decides to rezone the Pointer's Echo's property (111-1-15.4) similar to Soula Fatsis's property (111-1-9), the Pointer's Echo owners would need to go before the zoning board for a usage of property if and when the Mearns Ave. side is developed.

The Mayor asked Ms. Terhune to research the residential and commercial options available to these properties along 9W. He asked if the lot was changed to commercial, can verbiage be included that gives the square footage for commercial on the top section? Ms. Terhune responded that she is not sure that the lot cannot be restricted this way. The Mayor asked that if the bulk of the area is made commercial, can they protect the Mearns Avenue side as residential?

The Mayor responded that if the Board decides to rezone Section 111-1-15.4 (Pointer's Echo) similar to Section 111-1-9 (Fatsis' Property) a local law would need to be adopted.

The Board took no action at this time and is awaiting comments from Alyse Terhune, Village Attorney.

Discussion was held on the recent bid opening of the site clearing around the Water Tanks and Bog Meadow. The Mayor reported that the engineer recommended the award go the low bidder, Brigadoon Construction, with a bid amount of \$45,245.00, if he could provide the proper insurance documentation within 48 hours. The Mayor added that he has found this whole process frustrating. The addendum to increase insurance requirements was done because the tanks and dam are very important and the Village needs to protect against any possible damage. This is the second bid for this job and the Village needs for the work to be done. The Mayor reported that Mr. Titolo was the only contractor to provide complete proper paperwork according to the specifications.

Mr. Tony Galu wanted to know why the low bidder is given extra time to provide paperwork. The Mayor explained that he is not being given extra time, the Board is just letting the public know what the engineer recommends. The Mayor also responded that the Village Attorney advised that, by law, a contractor can be given 48 hours to produce the proper insurance documentation. The Mayor also reported that the second lowest bidder, FC & C Construction, with a bid of \$56,700.00, did not attend the mandatory walk-thru which is more of a reason for disqualification than not providing the proper insurance paperwork.

Mr. Titolo was in attendance with his attorney, Mr. Ned Kopald, and addressed the Board. He responded that the bid specifications were clear and wanted to know why the bidders that did not comply were not thrown out. Mr. Kopald added that Mr. Titolo followed the addendum correctly and should not be penalized for submitting the requirements on time and correctly.

Mayor D'Onofrio responded that the Village refers to council on any discrepancies. The Village was advised that clarification from bidders can be obtained, all within the law, if need be. The Mayor voiced his frustration that this job is taking too long to get done.

Mr. Titolo reminded that Board that this is a prevailing wage job and the Village Board needs to make sure this is adhered to. He added that the reason for the re-bid was this same low bidder misunderstood the first bid scope of work.

Trustee DiSalvo wanted to know how long for another bid process to be done. The Clerk informed him that a bid invitation must be published at least 5 days before the opening.

Mayor D'Onofrio motioned to reject the bids from the bidders that did not comply with the project bid specifications and to accept the lowest bidder that provided the proper paperwork at the time of the bid opening, JAT Contracting for \$ 78,500.00.

The motion was seconded by Trustee Gunza and unanimously carried.

Trustee McCormick motioned the following:

Resolution
Village of Highland Falls Board of Trustees
Employee Handbook

The motion was seconded by Trustee Brown 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 the minutes)

Trustee DiSalvo updated the Board on the stop sign at Walnut Ave. He will provide a memo to Chief Miller and Sergeant LaVelle about moving the stop sign closer to the corner of Walnut and Main. He will try to have resolution for the next Board meeting.

The Mayor acknowledged receipt of notification from the Citizens Campaign for the Environment (CCE) and their plan to canvass in the Village from August 5th through October 5th, 2010.

The Mayor acknowledged receipt of a letter and the route of motorcycle event that the Literacy Orange Group that will be sponsoring through the area on August 21, 2010.

Trustee McCormick motioned to accept the resignation of Police Dispatcher, Laura O'Dell effective August 11, 2010.

The motion was seconded by Trustee DiSalvo and unanimously carried.

Trustee Brown motioned to appoint John Jones permanent Chief Wastewater Treatment Operator, effective 6/7/10, having completed his probation.

The motion was seconded by Trustee DiSalvo and unanimously carried.

Trustee DiSalvo motioned to change the status of Joseph Murphy, from temporary Chief Wastewater Treatment Plant Operator, to Wastewater Treatment Plant Operator, effective 6/8/10, with a probationary period of 52 weeks.

The motion was seconded by Trustee Gunza and unanimously carried.

Trustee McCormick motioned to approve the request from the Water Department for Kevin Hurst and James McDonald to attend a fluoridation training class in Liberty, NY on August 25th at no cost to the Village.

Trustee Gunza motioned to move the next Village Board meeting from Monday, September 6th at 7:00pm to Tuesday, September 7th at 7:00pm because of the Labor Day Holiday.

The motion was seconded by Trustee Brown and unanimously carried.

A motion was made by Trustee DiSalvo to approve the bills and claims for \$80,827.83 from the following listed funds:

FY 10-11	General Fund	\$49,549.57
	Water Fund	\$ 5,603.35
	Sewer Fund	\$ 9,834.79
	Capital Fund	\$15,840.12

The motion was seconded by Trustee Brown and unanimously carried.

The Fire Department Report for July 2010 was presented to the Board for review. Chief Smith notified the Board that the department would be doing football collections fund raising on September 11, 2010 for the first home West Point Football game.

Trustee DiSalvo made a motion to approve taking Engine 428 to the Orange County VFA Parade in Orange Lake on September 25, 2010.

The motion was seconded by Trustee Brown and unanimously carried.

The Mayor thanked the Garden Club for the beautiful job done on the tier garden on North Main St. outside Thayer Gate. He also thanked Pat Patterson, John Jones and David Hurst from the Wastewater Treatment Plant for giving one hour of their time to help. The Mayor told them not to deduct the time from their workday.

The Mayor reported that he will give Chief Miller a memo regarding making one hour parking spaces near the tier garden on North Main Street.

The Mayor reported that CD Parry Company provided a quote of \$5,250.00 for the boiler replacement in the Wastewater Treatment Plant and Bottini Fuel provided a quote of \$5,400.00. He reported that the money was included in this years budget figures therefore Mr. Jones can inform CD Parry to begin the job.

The Mayor reported that he spoke to the Village Engineer, Todd Atkinson, and the inspection on the dam, required by the DEC, is not due until 2011. Todd also reported that he is still awaiting approval from DOT to continue drawings and specs for the money awarded under Congresswoman Sue Kelly for the Mearns Avenue project. The Mayor reported that Todd is obtaining quotes for the five sidewalk repairs that need to be done.

The Mayor reported to the Board that the Village Attorney is working with Time Warner on the contract renewal and is awaiting comments back from Time Warner on comments that the Village Attorney gave to Time Warner.

The Mayor updated the Board on the recent borrowings that the Village has undertaken or will undertake soon. \$300,000 has been borrowed for the sewer repairs, \$500,000 for the street paving that will take place and he informed the Board that the treasurer needs an answer on how much the Board would like to borrow for the water plant tanks painting, bog meadow inspection and brush clearing around the tanks projects. He informed them it looks like it will be at least \$400,000 for the tank painting and engineering fees must also be considered.

The Mayor informed the Board that the Manupelli's have done the work required for the drainage on their property and they want to know when the Village is going to do their work. The Mayor reported that the Village is responsible to install two catch basins about 60 ft apart and run a perforated pipe in between to catch the water and have it disburse through the ground Trustee DiSalvo will speak to the

Street Superintendent Gary Boyce and the Village Engineer and report back to the Board on whether it can be done in house or should be contracted out.

The Mayor reported that the Town is currently using approximately 36,000 gallons of water per day and it appears they have plenty of reserve from the contracted 100,000 gallons per day, to add more hook-ups when they want.

Trustee DiSalvo reported that he will discuss Sweezy Avenue and traffic control on that street before any decisions are made about making it one way.

The Mayor reminded the Board that we are currently two months into the apartment moratorium and would like to remind the Planning Board to discuss it.

The Mayor reported his frustration with Central Hudson and Orange and Rockland and their need to come back to fix areas of road or sidewalk that they have dug up and to remove double poles. Trustee DiSalvo mentioned that Central Hudson has been given a list of the streets that the Village is going to pave so that hopefully they can work with us if something needs to be repaired before we put new paving down.

The Mayor reported that the recent inspection by the USDA Rural Development audit asked if a handicapped parking spot could be installed closer to the Village Hall entrance. The Mayor said a resolution would have to be done under the Vehicle & Traffic code and he would ask Chief Miller about looking into this.

The Mayor reported that an Estuary Grant for \$100,000 was awarded to the Village in 2006 for the acquisition of the Burns Property on Station Hill Road and it expires 1/31/11. He asked the Board if they want to formally return the grant.

Trustee McCormick motioned to return the Estuary Grant of \$100,000 if the Grant cannot be reallocated for another project.

The motion was seconded by Trustee Brown and unanimously carried.

Finally, the Mayor asked that all residents continue to use water sparingly as the reservoir is down and there is no relief in sight.

Trustee DiSalvo reported that he had followed up with Street Superintendent, Gary Boyce and was reminded that funding for pesticides had been removed from the budget. Trustee Brown asked if any Village employee would be interested in attending training that will allow him to apply pesticides. The Mayor said he was in favor of the Village sending one of our own employees to school for the proper training to get certified as a pesticide applicator. Trustee DiSalvo said he will investigate the cost and who might be interested.

Trustee Gunza thanked Michael Graber and David Hurst for planting the many flowers at the North End tier garden and Pat Riedel as the driving force to getting the work done.

Trustee Gunza made a motion to enter executive session to discuss a specific employee. The motion was seconded by Trustee Brown and unanimously carried.

The Board entered executive session at 7:40pm.

The regular meeting reconvened at 8:10pm

The Village Board agreed to reimburse Mr. Konstantinos Fatsis, for one pair of orthotics purchased for use in his fire department boots.

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

The meeting closed at 8:15 p.m.

Regina M. Taylor, Village Clerk