

REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF HIGHLAND FALLS
September 20, 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 September 20, 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
Village Attorney, John Cappello (Jacobowitz & Gubits)
Police Chief Peter Miller
Village Resident: Gus Koutsarades-West Point Motel, James Titolo -95 Mountain Ave., Jess Pepe, Laurel Lane, Patricia Riedel, Regency Arms Apts, Ray Deveraux-20 Ondaora Pkwy, Jim Dunlap-30 Lake Street, Dennis McSharar- 11Schneider Ave.

A Public Hearing for comments concerning the Proposed Time Warner Cable Television Franchise Renewal Agreement , opened at 6:00pm.

Village Attorney John Cappello introduced the agreement and the letter which accompanied the agreement, which states that Time Warner will agree to provide one (1) courtesy monthly high speed connection (Tier 2/Business Pro) to include one (1) modem to the Ft. Montgomery Battle Site and in addition, Time Warner agrees to be an annual supporter of the 4th of July Celebration in the amount of \$5,000 annually for ten years.

Most general public comments centered on the letter as opposed to the franchise agreement. Mr. Gus Koutsarades asked why the Village Board couldn't use the Community Room at the Library for its meetings and have Time Warner provide the cables and equipment necessary to broadcast the meetings. He wanted to know if the contract was a sealed deal. The Mayor explained that the public hearing is in place to hear other comments before a decision is reached.

Mr. Ray Deveraux reiterated points in his letter to the editor last week and commented that the proposal to give \$5,000 to the 4th of July Celebration for 10 years is credible and all well & good, but couldn't there be other ways to use this money. He asked if televising the meetings could be worked out to broadcast Village meetings as well as perhaps help the school to obtain equipment and cable to televise their board meetings.

The Mayor responded that although he doesn't disagree with having meetings televised, he is in favor of the 4th of July Celebration receiving the funds, and emphasized that because of the timing of signing this contract, the 4th of July Committee has waived \$4,000 to the Garden Club to help in their expenses of the new tier garden, and will put \$1,000 towards next years 4th of July Celebration.

Mr. Deveraux asked if they have had trouble fundraising for the 4th of July. The Mayor responded emphatically, yes. He reiterated what the 4th of July Committee Treasurer, Gus Fishburne has said, that if everyone contributed to the celebration, they wouldn't need this money so badly. Not everyone contributes financially.

Others in attendance, Pat Riedel, Jess Pepe and Marilyn Guzman all spoke in favor of the 4th of July Celebration receiving the funds and emphasized how this event is the only one that lasts for two or three days, free to everyone who comes to the events and brings the whole community together for a good time. They commented that many people from surrounding communities also come and enjoy in this celebration and by doing so, bring business to our merchants. Pat Riedel said she worked many years with the 4th of July Committee and knows how hard it is to raise the funds. She said she has no problem with the funds going to the 4th of July Celebration. Ms. Guzman responded that even if the Village Board meetings were televised, not everyone has Time Warner. She said she has a dish. Not everyone would be served.

Mayor D'Onofrio also reminded everyone that the Town of Highlands use to budget funds for the 4th of July and they have discontinued donating. Mr. Titolo asked if that door is closed permanently. Mr. Deveraux also asked if the new Supervisor had been approached. The Mayor responded that the new Supervisor said he would consider it.

Mr. Deveraux asked about the rates. Mr. Cappello said the franchise agreement is limited in what a municipality can negotiate. They do not have a say in rates. He said that the rates are controlled by the NYS Public Service Commission and are non negotiable by the municipality.

Trustee Gunza asked if the majority of residents are served by Time Warner. Mr. Cappello said he couldn't speak for Time Warner, but they are the only cable franchise in the Village. There are however, people with dishes, but he did not know the breakdown. Trustee Gunza responded that she had been asked many time about televising the meetings and could this be negotiated after the contract is signed. Mr. Cappello responded that the franchise agreement is outside the negotiations of the community support.

Trustee DiSalvo asked who pays for the Town service for broadcasting their meetings and Mr. Cappello responded that the cable company does. Mr. DiSalvo responded that theoretically the cost goes to the consumer.

Trustee Gunza asked if the \$50,000 would be passed on to the consumer. Mr. Cappello responded that the 5% franchise fee, that is the maximum the Village could charge, is what is given back to the Village. The \$50,000 is a separate issue to the franchise agreement and does not get passed on to the consumers. Trustee Gunza asked if the Village Board will control how this money is to be used. Mr. Cappello said it was outside the franchise agreement. Trustee Gunza was concerned that other organizations would be excluded and that every organization should have an opportunity to receive this funding. Mr. Cappello said that this contract will allow the money to go to the 4th of July Celebration, with \$4,000 going to the Garden Club this year and \$1,000 going to the 4th of July Celebration and provide the cable and modem for the battlesite. Mayor D'Onofrio spoke on behalf of the 4th of July Celebration and said that they were happy to give the \$4,000 this year to the Garden Club. He said the 4th of July Committee can make the decision to pass along a portion of this funding to other organizations if warranted.

Mr. Devereaux suggested that this agreement not be signed and maybe Time Warner could increase the amount they are willing to contribute. Trustee Gunza said she would like the Board to decide how the money is distributed. Mr. Cappello reiterated that the 4th of July Committee would make that decision now.

Trustee McCormick was not in favor of a ten year lease and would like to find a way for Time Warner to help with getting the Village Board meetings televised.

Mayor D'Onofrio again spoke on how much he has helped many organizations by obtaining grants and has supported them personally. He also said it is getting harder & harder to raise funds and people typically don't look to support the 4th of July until June, but contracts for bands and preparation for the events must be done starting the day after the 4th.

Mr. Koutsarades asked that the Board not sign the agreement as not everyone is in favor of it. Trustee McCormick said it should be renegotiated so that the majority of people benefit. Trustee Gunza asked that the funds not be tied to one organization.

Mr. Cappello responded that they need to remember that the franchise agreement and the letter are two separate concerns. He said Time Warner only needs to provide an access channel and does not have to televise meetings. Negotiations are very limited to the Municipality. He said he can't speak for Time Warner but maybe the service can be shared with the Town. Mr. Titolo said he was one taxpayer who didn't want to spend any money that will separate the town and the village any further.

No further comments being made. Trustee Brown motioned to close the public hearing. The motion was seconded by Trustee DiSalvo and unanimously carried. The Public Hearing closed at 6:39pm

Trustee Brown motioned the following:

Resolution
Village of Highland Falls Board of Trustees
Authorizing the Mayor to accept and sign the proposed
Franchise renewal agreement with Time Warner NY Cable, LLC

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

	Aye	Nay
Mayor D'Onofrio	x	
Trustee Brown	x	
Trustee DiSalvo	x	
Trustee McCormick		x
Trustee Gunza		x

The resolution was adopted on a vote of 3 Ayes 2 Noes
(A true and complete copy of the resolution is appended to these minutes.)

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

- a) Special Meeting – September 2, 2010
- b) Regular Meeting – September 7, 2010

The motion was seconded by Trustee Gunza and unanimously carried.

A public hearing on the Notice of Failure to Remedy and Notice of Hearing for Property Maintenance Violations at 47 Church Street, section 103, block 10, lot 9 was opened at 6:40 P.M. No one was present to represent the property owner. The hearing closed at 6:41 P.M.

Trustee McCormick motioned the following:

Village of Highland Falls Board of Trustees
Resolution Concerning Violation of
Vehicles, Abandoned and Junked Law
47 Church Street - 103-10-9

The motion was seconded by Trustee DiSalvo 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.)

Trustee McCormick motioned the following:

Village of Highland Falls Board of Trustees
Resolution
Certiorari Proceedings

The motion was seconded by Trustee DiSalvo 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.)

Trustee McCormick motioned the following:

Resolution
Village of Highland Falls Board of Trustees
Vehicle & Traffic

The motion was seconded by Trustee DiSalvo 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).

Trustee DiSalvo motioned the following:

BOND RESOLUTION OF THE VILLAGE OF HIGHLAND FALLS, ADOPTED SEPTEMBER 20, 2010 AUTHORIZING THE PAINTING OF THE INTERIOR AND EXTERIOR OF THE TWO VILLAGE WATER TANKS AND INSTALL RISERS AND OTHER APPURTENANCES, STATING THAT THE ESTIMATED MAXIMUM COST THEREOF IF \$550,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$550,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION

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

5 Ayes 0 Noes

the Mayor declared the resolution adopted. (A true and complete copy of the Resolution is appended to these minutes)

Trustee DiSalvo motioned to approve the request from the Town of Highland's Men's Softball League, through the Town of Highlands Recreation Department, to use Roe Park field, Pavilion and bathrooms on Saturday, October 9, 2010, from 9:00am to 6:00pm the purpose of which, to hold a fundraiser softball tournament to benefit Ken DeCarlo who is undergoing medical treatments, provided all the necessary paperwork is submitted to the Village Clerk prior to the event.

The motion was seconded by Trustee McCormick and unanimously carried.

Trustee DiSalvo motioned to approve the request from the Town of Highlands Ambulance Corp to use North Main Street and Municipal Lot #2, to hold a Fall Foliage Festival on October 16, 2010 from 9:00am to 4:00pm provided all the necessary paperwork is submitted to the Village Clerk prior to the event.

The motion was seconded by Trustee Gunza and unanimously carried.

Trustee McCormick motioned to approve the Mayor executing the License Agreement for Security Cameras with Orange & Rockland Utilities, which would allow for a security camera to be installed on a certain utility pole in the vicinity of Schneider Avenue and Center Street.

The motion was seconded by Trustee Brown and unanimously carried.

Three proposals were read for possible work at 25 Laurel Lane. The Mayor commented that he would like the Village Engineer to review these proposals and provide a recommendation to the Village Board before any award is given. No action taken at this time.

Trustee McCormick motioned to accept change order #1, of the Water Treatment Plant Tank Site Work, for \$2,750.00, from JAT Contracting to supply and install all formwork and concrete placement required to provide “house keeping pads” around all access sleeves either in a complete group or 30x30 pads as required.

The motion was seconded by Trustee Brown and unanimously carried.

A memo was acknowledged from Chief Miller to promote Officer Scott to Sergeant, as he has passed the civil service test and is on the promotional list. The Mayor reminded the Board that a Sergeant must be selected from the Civil Service list before an appointment can be made and the Board must first decide if they want to fill the Sergeant’s position. The Mayor directed the Village Clerk to get the list from Civil Service.

Trustee McCormick motioned to surplus the 2002 Ford Crown Victoria as recommended by Officer Scott, and place an advertisement for bids.

The motion was seconded by Trustee Gunza and unanimously carried.

Trustee Gunza motioned to approve the Mayor signing Supplemental Agreement #1 D031502– for the Mearns Avenue project PIN # 8760.16, of the SafetyLu funds awarded to the Village in 2007, in order for the project to move forward in the Department of Transportation’s schedule.

The motion was seconded by Trustee DiSalvo and unanimously carried.

A motion was made by Trustee Brown to approve the bills and claims for \$98,560.66 from the following listed funds:

FY 10-11	General Fund	\$63,872.69
	Water Fund	\$ 5,810.00
	Sewer Fund	\$16,424.83
	Capital Fund	\$12,453.14

The motion was seconded by Trustee DiSalvo and unanimously carried.

The Mayor commented that the Village Street Superintendent had put a list of changes for the street paving job in the Board member’s boxes and he would like them to review them as soon as possible.

The Mayor commented that it may be time for the Board to look closer at the party’s going on at the Pavilion in Roe Park and the users not adhering to the rules or cleaning up their trash. He suggested it may be time to look into people having to leave deposits before approval is given.

The Mayor asked the Clerk to have the Attorney check into the sewer code about who is responsible for repairs to that portion of lateral lines that are in the street and that a local law might be drafted to resolve this problem.

Trustee McCormick reported that Bog Meadow is at approximately 73% capacity.

Trustee Gunza reported that the Village Hall building repairs continue and the doors should be compliant to the building inspectors report very soon.

Mr. Koutsarades asked in there was anything going on with the 300 acres. The Mayor reported that an Industry Forum held last year resulted in no interest being shown by any developer. The Mayor has asked that the US Corp of Engineers revise some of the requirements, for example, the best use of the land, but that any use determined by a developer would still need to be approved by the Village and West Point.

Mr. Dennis McSharar from Schneider Avenue approached the Village Board with concerns over the large congregations of people near his home, resulting in noise and quality of life concerns. He reported that he does not see the Police Department responding effectively when they are called to that area. He would like something done about the loitering and noise. The Mayor explained that there are no loitering laws, but they would look into his concerns immediately.

Mr. Jim Dunlap asked if a “No Parking Between Signs” sign that was removed when work was done in that area, be replaced as people are parking in front of his residence now. The Mayor said he would have the Street Superintendent look into the matter.

Trustee DiSalvo made a motion to enter executive session to discuss specific personnel and lease negotiations. The motion was seconded by Trustee Brown and unanimously carried.

The Board entered executive session at 7:25pm.

The regular meeting reconvened at 8:25pm

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

The meeting closed at 8:25 p.m.

Regina M. Taylor, Village Clerk