

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

August 5, 2013

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 August 5, 2013.

The Meeting was called to order by Mayor Patrick Flynn at 7:00 P.M.

Members present were:

Mayor Patrick Flynn  
Trustee Harold Brown  
Trustee James DiSalvo  
Trustee Robert Mellon  
Trustee Barbara Murphy

Also present were:

Village Clerk, Regina M. Taylor  
Village Treasurer, Edward Magryta  
News of the Highlands Editor, Mary Jane Pitt  
Police Chief, Kenneth Scott  
Fire Captain, John Rush  
Chief Water Plant Operator, Kevin Hurst  
Planning Board Chairman, James Ramus  
Town Supervisor, Bob Livsey  
Town Councilwoman, June Gunza  
Town Councilman, William Edsall  
TV Camera Operator, Kevin Coffey  
TV Camera Operator, Tierney Scott (Town of Highlands)  
Approximately 50 Community Residents

Mayor Flynn opened the meeting and thanked the Town Board for use of the facilities to hold this meeting.

Mayor Flynn asked all to remember local resident Louise Cantwell and all the fallen soldiers who have passed away since the last meeting, with a moment of silence.

Trustee DiSalvo motioned to open the Public Hearing, as duly advertised, for the purpose of receiving public comment to consider adoption of the Introductory Local Law entitled –“ Increase in Fines for Vehicle and Traffic Code Violations”. The motion was seconded by Trustee Murphy and unanimously carried.

The Public Hearing opened at 7:05pm. The Mayor read a copy of the introductory law that would increase the parking meter ticket fine from the current fee of \$10.00 to \$25.00. The Notice of Hearing, affidavit of posting, affidavit of publication were presented .

Public comment included concerns that many parking meters are broken and that something should be done about them. The Mayor answered that a possible solution will be discussed further in the meeting. All comments being heard and no further questions asked, Trustee Murphy motioned to close the public hearing. The motion was seconded by Trustee Brown and unanimously carried. The public hearing closed at 7:09pm.

Trustee Murphy motioned the following:

Village of Highland Falls  
Resolution of Adoption  
Local Law 01-2013  
Increase in Fines for Vehicle and  
Traffic Code Violations

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

5 Ayes    0 Nays

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

Mayor Flynn introduced Nicole Shea of the Eisenhower Educational Center, located at 297 Main Street, who presented donations to five local organizations. Ms. Shea introduced the Center and informed the public that their mission is to offer leadership classes and they would like to help in the revitalization of

our community. Ms. Shea indicated they look forward to the community residents stopping in to see what they are all about.

Mayor Flynn introduced Mr. John Dodson, who is working with the Village to look into a partnership with West Point and the Town of Highlands in providing a solution to the over capacity wastewater facilities at West Point and the Town of Highlands and how the Village of Highland Falls plant can be utilized to its capacity to help these communities and provide needed revenue to the Village of Highland Falls. Mr. Dodson would like to see some consolidation of services in order to provide for more efficiency in this matter. He introduced two gentlemen, Tony Kushnir and Michael Simmons, who are attorneys that specialize in privatization of services for Army bases and their outside communities.

Mayor Flynn thanked them for coming and looks forward to the possibilities.

Public Comment was opened.

Questions were asked of the status of the Village acquisition of the Knights of Columbus building for the purpose of a Senior Citizen Center. The Mayor clarified any misinterpretations that were spoken. The Mayor confirmed that the Sale of Contract between the Knights and the Village was in the hands of the lawyers and hopefully will be signed soon. He further clarified that the contract cannot be signed until the County has the funds available for the acquisition. The Mayor explained that a commitment letter of the funds available to the Village is \$200,000.00. He further explained that the County has a commitment letter from the Federal Government, HUD, for the grant amount of \$200,000.00. The Mayor stated that until the Federal Government sends the physical monies to the Orange County Community Development Office, the building cannot be closed on. The Mayor also stated there are some other paperwork issues that need to be taken care of between the Village and the County, for example, an addendum which states the conditions the Village must adhere to under the grant requirements. The Mayor reported he received that paperwork right before the meeting and the Board will act on it later in the meeting.

The Mayor confirmed that the Village Board is doing everything to move the process along so that when the money is received in Orange County, the Village will be able to close as quickly as possible. The Mayor also pointed out that the building will need some additional attention before it can be occupied and that has been a concern all along for the Board, on how repairs will be funded. The Mayor committed to the seniors that he will do everything possible to make sure the seniors get the building they deserve. He commented that it can only be an added value to our community.

Mr. Konstantinos Fatsis, the attorney representing the Knights of Columbus Building Association, spoke on behalf of his client. Mr. Fatsis confirmed that he and the Village Attorney have been working on a sale contract. Mr. Fatsis informed the Board that he has a fiduciary duty to the Knights of Columbus to get the best deal and that they cannot wait much longer, and for sure, not another winter, without a sale of the building. The Mayor reiterated that it is not the Village holding things up, it is the process when dealing with governmental agencies.

Supervisor Livsey pledged the support of the Town in whatever they could do.

Trustee Murphy motioned to authorize the Mayor to sign the Addendum to Community Development Block Program Municipal Agreement. The motion was seconded by Trustee Brown and unanimously carried.

Faith Aprilante, School Board Vice President, commended the collaboration between the School, Town and Village and urged the Village Board to pass the water agreement to send 50,000 more gallons per day to the Town enabling the Fort Montgomery Elementary School to hook into the system. John Sarcone, Attorney for the Trust which is partnered with the Town for the water district project in Fort Montgomery asked the Village Board to approve the request for 50,000 more gallons to the Town so that the project can move forward and the school be able to hook into the system. Mr. Sarcone explained that the Trust is providing half the funds for the project, but cannot wait any longer for approval. He emphasized that the funds will run out at the end of the year.

The Mayor responded that this matter will be discussed further in the meeting.

Richard Zzie commented that he is looking to extend the dead end of Sweezy Ave. for 31 feet to allow for the use of a driveway that is part of the property which he purchased and has spent many dollars to refurbish. Trustee Mellon commented that the property has a Village sewer lateral running under it and that must be taken into consideration before any extension is allowed. The Mayor responded to Mr. Zzie that when the property was purchased, the conditions existed, and that the Village will need to look into the matter further. The Mayor also cautioned about the dangers of the steepness of the road beyond there and snow plowing concerns.

Public comment closed at 8:34 P.M.

The Police Department Report for July 2013 was presented to the Board for review.

Trustee Brown presented a report on the Water Plant and read a statement regarding reports of discoloration of water throughout areas of the Village. Mr. Kevin Hurst explained that the discoloration is a result of the tanks being put back into service after being painted. He explained that if anyone has concerns to call him at the Water Plant.

Trustee Mellon presented an update on the operations at the Wastewater Treatment Plant. He reported the projects are moving forward.

Trustee Murphy reported that the Fire Department is working on the upcoming Carnival to be hosted at Ficken's Field from August 21<sup>st</sup> to August 24<sup>th</sup> and also the Fire Department is working on the final touches to the

Hudson Valley Volunteer Fire Department Parade and Convention that our local department is hosting, September 28<sup>th</sup>.

Trustee DiSalvo presented a memo from the Building Department regarding the property located at 84 Mearns Avenue and that the Building Inspector is asking for a decision from the Board regarding the condition of the building.

Trustee Brown motioned, upon the recommendation of the Building Department, to declare the property located at 84 Mearns Avenue as unsafe and have the building department proceed with an unsafe building violation and hearing notice. The motion was seconded by Trustee Murphy and unanimously carried.

The Mayor announced many upcoming events and reported on recent activities held in the Village. The Mayor reported that the next Village meeting will have the Treasurer's Report and a presentation on a possible new health insurance provider for Village employees.

Mayor Flynn announced that Sgt. Matthew's daughter was working with a group of people that want to bring a memorial of the Buffalo Soldier to our community. He encouraged anyone who wants to get involved to contact with Ms. Matthews.

A motion was made by Trustee Murphy to approve the below listed minutes, with the following correction:

The Fire Department Carnival dates are August 21<sup>st</sup> to August 24<sup>th</sup>.

a) Regular Meeting, July 15, 2013

The motion was seconded by Trustee Brown and unanimously carried.

Trustee Mellon motioned to approve the request for the Treasurer to attend NYCOM training in Saratoga Springs from 9/9 to 9/12 at an approximate cost of \$1500.00. Mayor Flynn seconded the motion and on a vote of 2 Ayes and 3 Nays (Trustee DiSalvo, Brown, & Murphy)

motion denied. Trustee Murphy commented she would reconsider if the Treasurer could come back with lower costs.

The request from Action Enterprises, Inc. from Woodbridge, Ct. for two vendor permits to sell novelties during the upcoming Firemen's parade to be held September 28<sup>th</sup> was not entertained. The Mayor commented that the Village needs to revise the fee schedule for these types of permits and until those adjustments can be done, the request is denied.

Trustee Murphy motioned the following:

Resolution  
Vehicle and Traffic  
Village of Highland Falls

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 this resolution is appended to the minutes.)

A motion was made by Trustee Brown to approve the bills and claims for \$112,191.67 from the listed funds:

FY 13-14	General Fund	\$27,482.93
	Section 8	\$65,276.00
	Water Fund	\$11,770.96
	Sewer Fund	\$ 6,372.25
	Capital Fund	\$ 1,289.53

The motion was seconded by Trustee Mellon and unanimously carried.

Mayor Flynn presented the following updates:

The West Point Auto Spa has been sent violation notices regarding the metering of water usage and also the moving of the sewer lateral.

Discussion continued on the Fifth Amendment to the Water Supply Agreement with the Town of Highlands.

Mayor Flynn commented that the Village was not ready to commit another 50,000 gallons per day to the Town at this time. The Mayor stated that the Village would like to sit down with the Town to discuss some concerns over the number of gallons requested now and what they are looking for in the future. The Mayor commented that he is displeased with the communication between the Town and Village on this issue.

Mr. Sarcone commented that the Town is only looking for 50,000 gpd today. Mr. Sarcone commented that the Trust has a fiduciary duty to not pay more than the Town can pay. Trustee Murphy asked Mr. Sarcone if the Trust would match the Town funds if a tank is necessary and the Town has to bond the project. Mr. Sarcone commented that he could not answer that question. He further stated that the Trust has a fiduciary duty to not pay more than the Town can pay.

Town Supervisor Livsey reminded the Village Board that the Town purchases water at a higher rate and there are fail safes in the contract. Supervisor Livsey commented that the Town has enough money to finish the project and no funds to build a tower. He encouraged the Village Board to vote tonight.

Mr. Ed Magryta commented that when he was Town Supervisor his recollection was that the agreement did not have a date certain and it also called for \$400,000.00 to be set aside to do a feasibility study.

Mayor Flynn responded the Village Board will have the approval on the meeting scheduled for August 19<sup>th</sup>.

Discussion was held on the hiring of a Parking Enforcement Officer. Chief Scott stated that the funding for this position was taken out of the adopted budget. Chief Scott reported that he now has a part time officer coming in for collection of meter money.

Trustee Murphy motioned to advertise for a Parking Enforcement Officer at the rate of \$12.00/hr with a flexible schedule not to exceed twenty hours a week.

The motion was seconded by Trustee Mellon and unanimously carried.

Trustee Murphy motioned to enter into executive session to discuss the cleaning contract agreement. Motion was seconded by Trustee DiSalvo and unanimously carried.

The Board entered into executive session at 10:25 P.M.

Trustee Murphy motioned to come out of executive session. The motion was seconded by Trustee DiSalvo and unanimously carried.

The regular meeting reconvened at 11:08 P.M.

Trustee Murphy motioned to hire Eva's Cleaning Service with a 3 month probation period at the cost of \$650.00 every two weeks. The motion was seconded by Trustee Brown and on a roll call vote, the results which follow:

4 Ayes 0 Nays 1 Abstain (DiSalvo)

motion carried.

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

The meeting closed at 11:10 P.M.

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Regina M. Taylor, Village Clerk