

TOWN OF HIGHLAND  
REGULAR TOWN BOARD MEETING  
FEBRUARY 9, 2016  
ELDRED TOWN HALL, ELDRED NY

PRESENT        SUPERVISOR JEFF HAAS  
                   COUNCILMAN JAMES GUTEKUNST  
                   COUNCILMAN FRED BOSCH  
                   COUNCILMAN SCOTT HALLOCK  
                   COUNCILMAN JAMES HANSON

Supervisor calls meeting to order.

Flag Salute

Roll Call, all Board Members present.

MOTION BY Councilman Gutekunst to approve the 2016 Organizational minutes seconded by Councilman Bosch discussion motion carried all ayes.

CORRESPONDENCE

Received and read letter from Barryville Arts Association, Inc. informing the Board of the dates and venues for thee Building Community through the Arts Receptions.

Received and read letter of resignation from Kevin Byrne.

Received and read American Legion Ambulance Monthly report

Received and read Yulan Fire Dept. Report.

Received approximately sixty emails in reference to the Millennium Pipeline Compressor

HIGHWAY

Highway Superintendent Tom Ebers states we are doing routine maintenance on trucks.

SUPERVISOR REPORT

Supervisor Haas states we have a Weather Station Project, the Division of Homeland Security is in the process of building 125 self-reporting station arounds the state as an early warning device in the event of severe weather. They have requested that the Town of Highland have one located on Town property , we selected a site behind the Senior Center near where the future Highway Shop will be located and it has gone through the pre Planning Board Process. The information is on the website.

We are in the process of looking over the Park Service Contract.

PUBLIC COMMENT ON AGENDA

Larry Fishman ask on the speed reduction is it for 30 MPH for Barryville?

Supervisor Haas answers the NYS DOT told me they would like to go that low, it will probably go down five miles per hours. We are pushing for 30 MPH.

YOUTH AND PARK

Supervisor Haas states the Youth Director will have a report at next month's meeting.

BUILDING

Councilman Bosch states we are waiting for the results from the water test at Highway Shop.

RENNAINANCE

Arnold Gruel states I would like to thank you for fixing the light at park and we took the lights off the tree.

## ENERGY AND ENVIRONMENT

Carol Roig states we have scheduled the first meeting for February 20, 2016. SCRAM is planning and informational session for the public about the impact of the Compressor Station on February 20, 2016.

## ZONING TASK FORCE

Councilman Hallock states he would like to thank the Committee and look forward to working with them in the future.

## HEROES PARK

Pete Carmeci state we will meeting to discuss where to put the plaque from the Library.

## UDC

Supervisor Haas state the three representatives from the Town of Highland were all present. Bill Rudge from the NYSDEC said the Governor has allocated an additional from 177 million to 300 million dollars for the Environmental Protection Fund. This is the 100<sup>th</sup> year of the NPS and they are promoting all their all NPS locations including our Delaware River. Travis Odell the resource specialist has tendered his resignation.

## OLD BUSINESS

MOTION BY Councilman Hallock to drop the School Tax Reform Resolution seconded by Councilman Hanson discussion motion carried all ayes.

## NEW BUSINESS

Supervisor Haas states we have to schedule with Danette Mall from the Mike Preis Insurance Agency to discuss Health Insurance.

MOTION BY Councilman Gutekunst to amend the resolution for the Frontier Contract due to adding more phone in the amount of \$8,892.69 per year with a monthly payment of \$741.06 seconded by Councilman Bosch discussion motion carried all ayes.

MOTION BY Councilman Hanson to approve Councilman Gutekunst attend the Association of Town Conference in NYC in on February 14, 15,16,2016 seconded by Councilman Hallock discussion motion carried all ayes.

MOTION BY Councilman Bosch to approve the correction in the budget for a 1% raise (clerical error) to the Clerks of the Town Clerk, the final budget does not change, seconded by Councilman Hallock discussion motion carried all ayes.

MOTION BY Supervisor Haas to restore Joe Melan's rate of pay to 2015 Salary rate due to budget omission in the 2016 budget seconded by Councilman Hallock.

MOTION BY Councilman Bosch to approve the rebidding and advertising of the Cleaning Contract for all Town Buildings. Bid are to being Town Clerks Office by 11:00 AM on March 1, 2016, seconded by Councilman Gutekunst discussion motion carried all ayes.

MOTION BY Councilman Gutekunst to name the Town of Highland Town Board as lead agency in reference to SEQR for the proposed Local Law #1-2016 seconded by Councilman Hallock discussion, Roll Call vote all Board members vote yes, motion carried.

MOTION BY Councilman Hallock to approve based on the information and analysis, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts, seconded by Councilman Hanson discussion motion carried all ayes.

MOTION BY Councilman Hallock to approve Local Law #1-2016; a Local Law amending Town of Highland Town Code Chapter 190 Zoning as amended seconded by Councilman Hanson discussion motion carried all ayes.

MOTION BY Councilman Gutekunst to approve a speed reduction study for Barryville NYS RT. 97 from approximately ½ mile north of same intersection seconded by Councilman Hallock discussion motion carried all ayes

MOTION BY Councilman Hallock to approve the speed reduction study in Eldred on Proctor Road for a 0.42 +/- miles east of CR11/CR12 intersection and a point 0.58 +/- miles west of CR1/CR12 intersection.

The total request is a +/- one mile reduction, seconded by Councilman Bosch discussion motion carried all ayes

MOTION BY Councilman Hanson to approve the Agreement of the Expenditures of Highways Monies, seconded by Councilman Hallock discussion motion carried all ayes.

MOTION BY Councilman Bosch to approve the resignation of Kevin Byrnes our cleaning contractor with regrets, seconded by Councilman Gutekunst discussion motion carried all ayes.

MOTION BY Councilman Gutekunst to approve the audited General Abstract #2 claims 16 to 53 in the amount of \$14,941.26 seconded by Councilman Bosch discussion motion carried all ayes.

MOTION BY Councilman Gutekunst to approve the audited Highway Abstract #1 claims 1-22 in the amount of \$30,839.26 discussion motion carried all ayes.

MOTION BY Councilman Gutekunst to approve the audited Street Light Abstract claims #1 in the amount of \$186.85 discussion motion carried all ayes.

#### PUBLIC COMMENT

Michael Davidoff, Attorney for the Town of Highland states the Millennium Pipeline is filing an application to FERC the Federal Energy Regulatory Commission, they are seeking to build a compressor station here in Highland NY as part of the Eastern System Upgrade. They are seeking authorization from FERC pursuant to the National Gas Act to construct, install, own, operate, and maintain this Eastern Upgrade Project. The regulation of gas pipeline is a matter of the exclusive jurisdiction of FERC. FERC preempts State regulation of such pipeline, Local regulations and any State assessment of any environmental matters and local zoning laws. FERC is required to undertake their own environment analysis. Any matters thought to be regulated by the Town are precluded directly by the consideration of FERC. Congress totally preempted and completely federalized the area of Natural Gas Regulation by enacting the National Gas Act.

Any consideration and action taken by FERC preempts the Town Regulations. If FERC rules on the matter it preempts Local Regulations on the same subject. The Millennium Pipeline has instituted a pre filing review process to the project by filing a letter by January 19, 2016. This is a long process that while the State and Local Government are preempted you can still have a lot of influence at hearings that FERC is required to have concerning this project. This application to do a preliminary review was accepted by FERC by a letter dated February 5, 2016, all of this is on the Government site and you can follow on your own at FERC.Gov then go to e library and the # is pf06-3. Millennium will have an open house here in the Town of Highland to introduce the project to the Town of Highland. Millennium anticipates filing a certified application in July of 2016. Millennium will have to obtain but they will not be approved because they have already passed a local law in 2012 that prohibits these types of compressors. As I indicated the Federal has preempted the local governments by the Natural Gas Act. Alan Schadt states I am the President of Excelsior Sportsman Club, our property is the very next property to the proposed compressor station. We do not want to see this happen next to us or to anybody else.

Greg Latordo states we have been dealing with a compressor station in Milford and what I saw there you don't want here. I warn you all fight as much as you can, there are a lot of people who are willing to help.

Nadia Radjz states as you're newly elected Legislature for District Two, as the Chair of the Health Committee, I am here to help you and support you in this situation.

Larysa Dyskra states I live in Bethel and we will in Bethel will pass a resolution in opposition of this compressor station and would appreciate that this Board does one too.

Ed Stone asks who has the final say if we address these concerns

Supervisor Haas states FERC.

George Billiard states reads from 2014 Millennium Report.

Heather Jacky ask the Board to uphold the law and to show we have a unified front.

Pete Carmeci urges the Board to move forward with this and examine all the issues, we don't need this station here.

Supervisor Haas thanks everyone for their comments.

Debra Conway states the SCRAM website has an online petition and has over 200 signatures I think that posting on the Town website the information/ propaganda from Millennium make you not look impartial. I think the other side information should be there. Let Millennium post there information and the Town provide a link and the Town can provide a link to the SCRAM sight if you really want to look impartial at this point.

Supervisor Haas states the only information I received from Millennium I wanted to get out to people that is why it is posted.

A Lady in the audience states my cousin lives in Hancock they have a gag order on them but I will tell you that my cousin's son was in the hospital probably six times right after the compressor had that big leak. I understand you have to wait, he was in the hospital a lot, seizures, never sick before that. I have a little one, I have a son on track, he runs up to the Eldred Preserve. We moved here ten years ago because of the great school, community and the great people who live here. It is sad that this could happen to our children.

Carol Roig states I think getting on opposition on the record would be positive.

Trish Gough states this Town to me is like heaven it is perfect, I thing we have the advantage to know what is happening. We have to act fast.

Jeremy from the Pyne Ayer Home Owners Association and we would like to take a stance against this compressor station.

Peter Comstock states you are not alone if we stick together we have a chance.

Michael Davidoff state you want to have a resolution with teeth in it, you need to create the reasons for the resolution and get it to the right people in the State and Federal Government.

Anthony Biancoviso asks what would be the harm, psychologically I see great benefits, and we are going to get them on air or on health. You should support us and we support you.

Councilman Gutekunst states I was on the Board when we passed the Fracking Law, and we passed five ayes. I thought the issue was over with and here we are back again with a compressor station which is in the law. Am I happy with FERC usurping the Town Laws decision to ban compressor stations, you are damn right, I would like our Town doesn't want this. We already said that.

Nadia Radjz state if we divert them from Highland, they will come to Lumberland, Tusten , this isn't only a Town issue it is a County issue and that is why I will bring it up to my County Legislatures to help us stay together as a force.

MOTION BY Councilman Hallock to ask the Michael Davidoff to draft a resolution, seconded by Councilman Hanson discussion motion carried all ayes.

MOTION BY Councilman Hallock to adjourn seconded by Councilman Hanson, discussion motion carried all ayes.

Respectively submitted

Doreen Hanson Town Clerk