

Town of Highland
Regular Town Board Meeting
Eldred Town Hall
May 12,2020

PRESENT SUPERVISOR JEFF HAAS
 COUNCILMAN JAMES GUTEKUNST
 COUNCILMAN FRED BOSCH
 COUNCILMAN JAMES HANSON
 COUNCILWOMAN KAITLIN HAAS

ALSO, PRESENT ATTORNEY TO TOWN MICHAEL DAVIDOFF
 CHIEF OF PATROL MICHAEL WALTON
 TOWN CLERK DOREEN HANSON

Supervisor calls meeting to order

Flag Salute

Supervisor Haas ask for Moment of Silence for Renate Hoersting and Retired Member of our Highway Department John (OJ) Flotard.

Councilwoman Kaitlin Haas reads public notice for meeting.

MOTION BY Councilman Bosch to approve the Town Clerk April Minutes seconded by Councilman Gutekunst discussion, roll call vote, Board Member all vote yes.

MOTION BY Councilman Gutekunst to approve the March Financial Report seconded by Councilman Hanson discussion, roll call vote, Board Member all vote yes.

CORRESPONDENCE

Town Clerk read correspondence from John Pizzolato, in reference to the UDSB and the asking for himself as Delegate, 'Debra Conway as alternate and Glen Pontier as second alternate.

Town Clerk reads correspondence from Karen Meneghin in reference to the water spigot on Route 55 where people fill their water just for us at home and believes it is unsafe the Town would have sealed it off and or publicized the fact tis unsafe for consumption with signage.

Town Clerk reads American Legion April Monthly Report

Town Clerk reads Highland Lake Fire Dept. April Monthly Report

Town Clerk reads Yulan Fire Dept April Monthly Report

Town Clerk reads Constable April Monthly Report.

Town Clerk reads correspondence from Peter D Carmeci Sr VFW Post 6427 Commander informing the Town Board and the public that the Memorial Day Service at Heroes Park will be cancelled.

HIGHWAY REPORT

Supervisor Haas states the Highway Superintendent did stop by and submit the stone bids and left a report that states, Jeff we need a resolution that accepts all stone bids and all stone bidders and we are

getting ready to paving season and Supervisor Haas states that he can verify that they are ditching and replacing pipes on Bodine Lake Road and Doll House Road.

SUPERVISOR REPORT

Supervisor Haas states he wants to that the public for baring with us here at our capacities with the Town Hall being closed and not open to the public. I believe it has been going very well I, I haven't heard a lot of complaints , but it is a lot of trips over here from Yulan , Highland Lake from , phone calls, emails a lot of trips by the Councilman and myself to meet with the Doreen, Assessors and Highway Department but we are getting through it , the Constituents have been very supportive of us and we are very grateful.

We have a new list of ideas, guidelines from NYMIR about opening up the Town Hall, Meetings etc. I would like the Board to read through it and if we need to call a special meeting and approve it, we will.

Supervisor Haas state he has received a lot of complaints and phone calls about some loud motor cycles and car with aggressiveness driving on Rt 97 a Sunday afternoon in Barryville. Mark was doing his best as well as the State Troopers and Sheriff Department With what is going on with the lawlessness in Barryville it was a little too much for our Constable and Sheriff, Mike Walton has reached out to Mike Schiff

Mike Walton, Chief of Patrol states he has reached to the Sheriff Mike Schiff and he came to meeting with Jim Hanson and Jeff and wed came up with an idea they will saturate RT 97 with law enforcement on the weekend, during the week it is not bad but on the weekend it gets hectic with the cars and motorcycles on Rt 97. I reached out to Lt Paul Pratti from the Sheriff Department and each week we will do week by week basis depending on the weather and they will send down some Sheriff Cars , we will have two Constables on the weekend instead on one and have heavy police presents on Rt. 97 to slow it down and see if we can contain it.

Supervisor Haas states from the DA's Office it seems the problem seems to be coming down from the Town of Deer Park and Hawks Nest and then proceeding up Rt 97, this Board and myself in no way shape or form want to curtail any commercial business in our Town , slow down any take business as well as ice cream shop, there are literally thousands of vehicles on the weekend on RT 97 going north and south and for the few people who are making a mess out of this for most of the constituents in our area as well as endangering public safety we had to do something as a board to make it doesn't gets worse . We are going to try this approach first, put some cars out there, not that we are going to be puling everyone over, that is not the intent it is a just a show that we are out here for public safety. Mike said it good, we can scale up or down as the case may be and if everyone minding their own business and doing what they are supposed to be doing it's not going to be a problem. We would encourage people to come to the Valley use our Town, use our business, patronize our business, we don't want to hurt that at all. We have to protect public safety.

PUBLIC COMMENT on AGENDA

COMMUNITY PLANNING AND SENIOR

Councilman Bosch with most people staying home the Senior aren't meeting, I think they are looking forward to getting out again when this is over.

Councilman Hanson states some of the house bound senior are getting meals deliver by UPS and if you know of anyone, we don't want to let anyone fall through the cracks. Please let us know.

YOUTH AND PARKS DEVELOPMENT

Councilwoman Haas states we did have a sight visit at the Highland Access on Rt 97 in Barryville and there will be funding and in-kind services to finalize to get that project off the road. The Youth Funding,

we are currently in a little bit of limbo, the Youth Bureau has not met and we don't know if we are going to be able to use the School Facility.

Supervisor Haas states most of other Towns have curtailed their programs.

CODES

Councilman Bosch states no report

Supervisor Haas states our Code updates and clarification are on hold due to Covid 19.

EMERGENCY MANAGEMENT

Councilman Hanson states first, I would like to thank everyone who has helped with the Food Pantry, I want to thank Pecks, we got two skids with 66 case of food we gave half to the Eldred Congregational Church Food Pantry and the other half to Saint Anthony Church. We filled up the shelves, we are in pretty good shape.

Supervisor Haas states the food pantry is in pretty good shape, we had meals from the Barryville Farmers Market, Becky Ryman has donated food from her business the Wallenpaupack Brewery, lots of people are helping out and I want to thank them.

Councilwoman Haas states we received a Grant from the Orange, Sullivan Community Foundation in the amount of \$5000.00 to replenish the food pantries in our Town.

GRANTS

Supervisor Haas states our SAM Grant has been finalized for the Highway Shop from Assembly Woman Aileen Gunther Office in the amount of \$ 125,000.00 and Grant Start Up Monies for the Salt Shed in the amount of \$156,000.00 has been approved.

Councilman Gutekunst states with \$150,000.00 in the budget and the \$156,000.00 startup money we are in good shape to begin the project.

BUILDINGS

Councilman Bosch states Scott Bedik has finished installing the security cameras except for the wall mounted one in Toms office and whenever Tom calls, they will come down and hook it up, the fire system is on hold for now. Dave Preston has ben going back and forth for 220 electric outlets for the welder, Dave Preston has gotten proposal one from Herman Wyss in the amount of \$6100.00 and American Electric is for \$6000.00, could we approve this or wait.

Supervisor states we shouldn't wait, they are hampered with the electricity on that side of the shop, the pressure washer that will not run the welder will not run on high. Speaking to our Town Attorney Michael Davidoff these are professional services we can take either bid we want we are not bound with them being so close

Councilman Hanson state my recommendation is for Wyss Electric who takes care of the Town, half the time we have an issue he doesn't send us a bill.

MOTION BY Councilman Gutekunst to accept the proposal from Wyss Electric in the amount of \$6100.00 for the electric at the Highway Shop, seconded by Councilman Hanson discussion, roll call vote, all Board Members vote

Beautification

Councilman Hanson states we received a check for \$2500.00 from Renaissance Program for the project in Yulan and I want to thank Karol Sundholm for her hard work.

PERSONEL

Councilman Hanson states we need to interview the applicant for the position.

Councilman Gutekunst states the applicant 'spouse is very sensitive with Covid 19 and starting work.

CONSTABLE

Councilman Hanson states we gave the Constables extra hours at this time, it is a hit on the budget. Supervisor Haas states Mike and I are applying for a grant through FEMA to replenish the budget.

ENERGY AND ENVIROMENT.

Councilman Gutekunst states he is working with NYSEG to replace the Eldred Street Lights.

911 PARK

Supervisor Haas states there is no Memorial Day Service, blue pansies were planted in honor of our Essential Workers around the Memorial.

OLD BUSINESS

Supervisor states the Barryville Court House, are we moving ahead or on hold.

Councilman Bosch states I think we should be on hold at Court and I personally think we should do renovation at the Town Hall and move Court here.

Supervisor Haas states Shred Day has been canceled until further notice and Clean Up Day has been canceled and move the Fall 2020.

RESOLUTIONS

MOTION BY Councilwoman Haas to appoint John Pizzolato as the UDSB Representative with Debra Conway as Alternate and Glen Pontier as Second Alternate seconded by Councilman Hanson discussion, roll call vote motion carried all ayes.

MOTION BY Councilman Bosch to approve the all stone bids of Crushed Ledge Stone and Processed Gravel for the Highway Department as per the Highway Superintendent Tom Ebers seconded by Councilman Gutekunst , discussion, Supervisor states the Highways Superintendent Tom Ebers has asked the Board to accept all bidder bids as they are all close together , if we need stone one is busy we can get stone and not wait two weeks for one to become available , we have bids here from Highland Materials, R& H Gorr , Callanan and Deckelman. Roll call vote, all Board Members vote yes.

MOTION BY Councilman Hanson for discussion , My vote is to vote no, the boulders are not in the parking lot they are on the leased part of property and they were placed before they owned the property, but I do see for liability they want them removed and execute the hold harmless agreement I could vote yes on items one and two.

Michael Davidoff states that I know that there are some contentious issues that have arisen in regarding Eagle Park continuing what is there with the new owners, I have had conversation with the property owner attorney Michael Frey and we have attempted to work this out , I understand that this resolution isn't going to make everybody happy ,we all know there is a whole lot of hard work and effort to make Eagle Park. This is the best we can work out to be able to continue at least on this basis to get through this at least for the couple of years , it is not going to please everybody but it was a good faith effort to get through another year or two with the Park.

RESOLUTION AUTHORIZING THE TOWN OF HIGHLAND

TO ENTER INTO AN ORAL LEASE AGREEMENT WITH MONTELEONE

WHEREAS, the Town of Highland previously entered into a Lease Agreement with the owners of property designated on the Highland Tax Roll as Section 13, Block 5, Lot 1.3 better known as "Eagle Park" which agreement has expired. Additionally, the property has been recently sold to new owners Frank and Phyllis Monteleone; and

WHEREAS, the Town is desirous of continuing to Lease this parcel of property from the new owners, Frank and Phyllis Montelone; and

WHEREAS, the letter dated May 8, 2020 from the attorney for Frank and Phyllis Monteleone is attached to this Resolution setting forth the understanding of the Town and Frank & Phyllis Monteleone along with an Indemnity Agreement.

NOW, THEREFORE, it is resolved as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. The Town Board does hereby approve and ratifies the oral lease regarding Eagle Park and authorizes the Supervisor to execute on behalf of the Town of Highland the attached Indemnity Agreement, and will agree to remove the boulders, and will endeavor to obtain items #3 and #4.

Section 3. This Resolution shall be effective immediately.

Supervisor Haas states I read the correspondence sent to Michael Davidoff, our Town Attorney.

Dear Mr. Davidoff: To resolve the current situation between the Town and the property owner, please confirm that the Town agrees to the following:1

1. Remove the boulders placed on the owners' parking lot as soon as possible.
2. Execute the enclosed hold harmless agreement.
3. Confirm in writing that Eagle Park as designed and constructed by the town and its agents conforms, with all applicable Building Codes, particularly the stairways and elevated features.
4. Provide copies of all Underwriter Laboratories certificated relate to the electrical improvements made by the Town of the property.

Please contact me if you have any questions.

Very truly your

Michael Frey.

Councilwoman Haas asks what is the term of this Agreement?

Michael Davidoff states it is a month to month, and I was advised to hopefully continue for a couple of years.

Councilwoman Haas states so everyone knows it is a month to month basis.

Councilman Hanson asks is our lease up in a year and half?

Michael Davidoff states our lease was with the former owner, there is a question is the lease valid or not.

Councilman Gutekunst ask is there any money exchange?

Michael Davidoff states there was no discussion of money exchange. How much are we paying now?

Councilwoman Haas states one dollar.

Councilman Gutekunst asks can any party can cancel the agreement with 30 Days' notice?

Michael Davidoff states yes but my understanding with discussion with their Attorney is this will enable to be as it is for a least a couple years.

MOTION BY Councilman James Gutekunst

SECONDED BY Councilman Fred Bosch

Supervisor Haas	Aye
Councilman Bosch	No
Councilman Gutekunst	Aye
Councilman Haas	No

Councilman Hanson No

Michael Davidoff states just so you know if the motion failed then you have to start making plans to remove the park.

Councilman Bosch states I voted no on a month to month that doesn't give us time to remove out stuff. Michael Davidoff states if this doesn't pass then they want you to remove the park.

Councilman Gutekunst ask can we add a 90 Days for the Town to collect its belongings and go home.

Councilman Bosch states if we get 90 days I will vote yes.

Councilwoman Haas ask maybe clarify the points so there is no increase of monies.

Councilman Gutekunst states maybe put in the dollar so that is clarified.

Motion by Councilman Gutekunst to table any further resolutions until the next meeting seconded by Councilwoman Haas.

discussion, roll call vote all Board Members vote yes. motion carried all ayes.

Michael Davidoff states I would like you to pass the Indemnity Agreement for the time we are there as a Tenant for as that period may be.

MOTION BY Councilman Gutekunst to approve the Indemnity Agreement and Supervisor to sign as long as we have the Agreement seconded by Councilman Hanson discussion motion carried all ayes, roll call vote all Board Members vote yes.

RESOLUTION of 2020

RESOLUTION AUTHORIZING THE TOWN OF HIGHLAND

TO ENTER INTO AN ORAL LEASE WITH MONTELEONE

WHEREAS, the Town of Highland previously entered into a Lease Agreement with the owners of property designated on the Highland Tax Roll as Section 13, Block 5, Lot 1.3 better known as "Eagle Park" which agreement has expired. Additionally, the property has been recently sold to new owners Frank and Phyllis Monteleone; and

WHEREAS, the Town is desirous of continuing to Lease this parcel of property from the new owners, Frank and Phyllis Montelone; and

WHEREAS, the letter dated May 8, 2020 from the attorney for Frank and Phyllis Monteleone is attached to this Resolution setting forth the requests of Frank & Phyllis Monteleone along with an Indemnity Agreement.

NOW, THEREFORE, it is resolved as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. The Town Board does hereby authorize the Supervisor to execute the attached Indemnity Agreement, and will address the other issues after further review.

Section 3. This Resolution shall be effective immediately. INDEMNITY AGREEMENT

May 12, 2020

Tenant shall not do or permit (except by Landlord or any party, other than Tenant, claiming on, through or under Landlord) any act or thing to be done upon the Premises which may subject Landlord to any liability or responsibility for injury or damages to persons or property or for any liability by reason of any violation of law or of any legal requirement of public authority, but shall exercise such control over the Premises as to fully protect Landlord against any such liability. Tenant agrees to indemnify and save harmless Landlord from and against (a) all claims of whatsoever nature against Landlord arising from any

act, omission or negligence of Tenant, its contractors, licensees, agents, servants, employees, invitees or visitors, (b) all claims against Landlord arising from any accident; injury or damage whatsoever caused to any person or to the property of any person and occurring during the Term in or about the Premises, (c) all claims against Landlord arising from any accident, injury or damage occurring outside of the Premises but anywhere within or about the Real Property, where such accident, injury or damage results or is claimed to have resulted from an act or omission of Tenant or Tenant's agents, employees, invitees or visitors, and (d) any breach, violation of non-performance of any covenant, condition or agreement in this Lease set forth and contained on the part of Tenant to be fulfilled, kept, observed and performed; except, in each case, to the extent underlying claim arose due to the negligence or willful misconduct of Landlord or its employees or any other party, other than Tenant, claiming by, through, or under Landlord. This indemnity includes, without limitation, any and all loss, cost, liability and/or expense, including, but not limited to, reasonable attorneys' fees and costs, suffered and incurred by and/or asserted against Landlord, of any kind or nature whatsoever, in connection with any such claim or proceeding brought thereon, and the defense thereof.

IN WITNESS WHEREOF, the parties have duly executed this agreement the day and year first written above.

MOTION BY Councilman James Gutekunst

SECONDED BY Councilman James Hanson

Supervisor Haas	Aye
Councilman Bosch	Aye
Councilman Gutekunst	Aye
Councilwoman Haas	Aye
Councilman Hanson	Aye

MOTION BY Councilman Hanson to purchase hanging basket to Renaissance Project in Yulan for encumbered Renaissance Award form 2019, seconded by Councilwoman Haas, discussion, roll call vote all Board Members vote yes.

MOTION BY Supervisor Haas to approve the 30-Day Extension for Shrewd Fox Contract of Sale for the Old Highway Shop, seconded by Councilman Gutekunst discussion, roll call vote, all Board Members vote yes.

Supervisor Haas states I have an item from the Building Department in reference to the water pipe on Rt 55 and the CEO Dave Preston did forward to the NYS health Department about the pipe dumping water out on the road for the public to use, we had a constituent ask about is the water safe to drink, we cannot abdicate drinking water from any water from the side of the road unless it is from an approved source.

Michael Davidoff states Dave and I had a discussion and that the Health Department suggested that the property owner put up a sign that the state recommended, that is the best we can do.

Supervisor Haas reads email from Councilman Hanson "in the country springs and streams are use at your own risk. When I worked on the railroad along the Delaware, we had a spring every 5 five miles at certain times of the year a spring could have more particulates in the water especially during the dog days of summer. A springs water could test good one month but make you have intestinal trouble the next. Also, a stream could be great to drink from one day but if and animal dies upstream it will cause a lot of bacteria to the water. Any water should be boiled if in doubt. We also have a lot of minerals in

well water. When a well is tested for safety it is tested for E. coli. As to route 55 this is on private property and not subject to town authority.”

Supervisor Haas states the CEO Dave Preston is going to reach out to the home owner to put out a sign.

Michael Walton states since we have been working seven days a week, I go passed that spot several times a day, people are parking on the road and causing traffic, they are parking half on and half off the road and not always parking across the street.

MOTION BY Councilman Gutekunst to Pay Highway Abstract #5-2020 claims #65 to # 75 in the amount of \$ 17,914.30 which have been viewed and audited by the Town Board, seconded by Councilman Hanson, discussion, roll call vote, motion carried all Board Members vote yes.

MOTION BY Councilman Gutekunst to pay General Abstract # 5-2020 Claims #s 116 to# 144 in the amount of \$9,930.76, which have been viewed and audited by the Town Board second by Councilwoman Haas discussion, roll call vote, motion carried all Board Member vote yes.

MOTION BY Councilman Gutekunst to pay Salt Shed Abstract #5 -2020 Claim # 8 to #9 in the amount of \$10,559.08 which have been viewed and audited by the Town Board, seconded by Councilman Bosch discussion, roll call vote, all Board Members vote yes.

MOTION BY Councilman Gutekunst to pay Capital Highway Building Abstract #19 to #21 in the amount of \$12,849.92 which have been viewed and audited by the Town Board, seconded by Councilman Hanson discussion, roll call vote, discussion motion carried all ayes.

MOTION BY Councilman Gutekunst to pay Eldred Street Lights #5-2020 claim # 5 in the amount of \$137.37 which have been viewed and audited by the Town Board, seconded by Councilman Haas discussion, roll call vote, all Board Members vote yes.

Motion by Councilman Hanson to go into Executive Session seconded by Councilman Gutekunst discussion motion carried all ayes.

Supervisor Haas states we are going into Executive Session, we will not be voting in Executive Session.

Motion by Councilwoman Haas to come out of Executive Session seconded by Councilman Bosch discussion motion carried all ayes.

MOTION BY Councilman Gutekunst to adjourn seconded by Councilwoman Haas discussion motion carried all ayes.

Respectfully submitted

Doreen Hanson

Town of Highland Town Clerk