

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

January 23, 2006

The regular meeting of the Board of Trustees was called to order at 7:30 P.M. with the Pledge of Allegiance, at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

Mayor Edward C. Moulton, Jr.
Trustee Charles R. Hahn
Trustee Mark J. Edsall
Trustee Peter J. Miller
Trustee William T. Fogarty

Also present were: DPW Superintendent Robert Gilmore, Water Superintendent Robert June, SKEC #2 Fire Chief Jeffrey Armitage, Attorney for the Village, Jacobowitz & Gubits, LLP, by Michele Babcock, and Village Clerk Jeanne Mahoney.

PUBLIC HEARING 2006-2007 PROPOSED BUDGET

Proof of Notice and Publication having been furnished, and copies of the budget having been distributed, the Public Hearing on the 2006-07 Budget was called to order at 7:30 PM by Mayor Moulton. It was noted that the proposed budget carries an increase of 6% percent in the general fund with a tax rate of \$7.89, and a four percent (4%) increase in the garbage rate. There is a four percent (4%) proposed increase in water rates, a six percent (6%) in hydrant and fire line fees, with the sewer percentage remaining at 85% of water consumption.

John Wenz of 40 Duncan Avenue asked if any budget line items are relevant to the Riverfront and/or Mary Powell Dock.

The Mayor replied that there is nothing in the proposed budget, but under new business this evening, the Board will consider approval of a Greenway grant application for Riverfront planning. In addition, he has heard from Congresswoman Kelly who has assured him that she will be working to obtain an engineering grant for study of the Riverfront.

Having no one further in the public speak for or against said budget, Trustee Edsall made a motion to close the hearing which was seconded by Trustee Miller, and upon a vote of 5 Ayes and 0 Nays, the Mayor declared the Hearing closed at 7:45 PM.

Trustee Miller moved for the acceptance of the December 19, 2005 Regular Meeting Minutes, as revised, and the January 9, 2006 Special Meeting Minutes as presented, on a motion seconded by Trustee Hahn, the minutes were approved 5 ayes and 0 nays.

TREASURER'S REPORT

Mayor Moulton stated that the Deputy Treasurer has been working on a year end report and therefore a treasurer's report is not available for this evening.

The open utility balances report for the end of December read as follows:

Village water, sewer, garbage & penalties	\$ 255,510.70
Town water & penalties	130,734.18

Which included 4 finals/adjustments for the Village and 8 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of \$	125,103.38
Water Fund claims in the amount of	169,732.47
Sewer Fund claims in the amount of	3,925.64
Trust & Agency claims in the amount of	5,512.63
Capital Water claims in the amount of	94,574.25

DEPARTMENT REPORTS

The Fire Department reported 42 responses, including 12 emergency medical service (EMS) calls, for a total of 790 volunteer man hours.

Fire Chief Armitage reported in a 2005 summary memo that non serviceable equipment, including a 1975 fire pumper truck, has been replaced. In addition state and federal grants, for capital equipment purchases, totaling over \$140,000 have been received. Membership has shown improvement and retention. He further reported that in 2005, his department responded to the most calls in its history, for over 13,000 volunteer hours.

The Police Department reported 11 COVAC assists; 14 calls were covered for/assisted to Town Police; 13 responses to burglar alarms; 6 E-911 hangups; 2 domestic incidents; 11 crimes were committed; 3 vehicle lockouts; 7 accidents were investigated; and 22 moving violation tickets were issued. Total patrol miles = 3,087, not including mileage on Chief's vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation of nine (9) open cases.

Chief Williams also reported that the grant obtained through Senator Larkin's office for a new police vehicle and tactical equipment has been approved by the State.

Chief Williams further reported that P.O. Sean Kelly arrested a Village resident for damaging the outside phone at the Police Department. Officer Kelly was on scene within 2 minutes, and with assistance from the Town Police Dept., was able to take the individual into custody.

The Department of Public Works reported snow removal and sanding, continuation of work at the new DPW facility, cold patching of potholes, equipment maintenance, and dead tree removal.

The Code Enforcement Officer reported 9 certificates of occupancy were issued.

The Building Inspector reported 37 on site inspections, 17 fire inspections, and 5 building permits were issued.

The Water Department reported an average daily production of 1.4 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 61 utility locations were made, 12 meters were repaired or replaced, 8 special readings were taken, and routine maintenance was performed. Water main breaks on Curtis Court and Continental Road were repaired, a water leak at Main Street (Brookside Condos) was repaired, the department assisted with a water service repair at 73 Angola Road, and well vaults were pumped out.

Water Superintendent June reported that the Catskill Filter Plant was off-line for 17 days in December because of high turbidity.

Water Superintendent June further reported that the meter at the Well field is not functioning properly. The meter will be recalibrated and put back into service shortly.

Mayor Moulton is in receipt of a letter from the Orange County Department of Health indicating approval of the plans and specifications for a proposed 6 lot subdivision "Foxwood Enterprises" located near Orrs Mills Rd and Pleasant Hill Rd.

Mayor Moulton is in receipt of a letter from Hazen & Sawyer Engineers along with five (5) vouchers regarding the Black Rock Filtration Plant dating back to 2003-2004. These vouchers were unexpected and will be referred to the Village attorney for review prior to authorizing payment.

Mayor Moulton is in receipt of the relevey list from the Deputy Clerk for unpaid Village water, sewer and garbage bills. This amount will be placed on the 2006 Village of Cornwall-on-Hudson Real Estate Bills for collection.

CORRESPONDENCE

Mayor Moulton is in receipt of a letter from Howard Protter, President of Museum of Hudson Highlands stating that the Museum can no longer continue to reimburse the Village for payment of health insurance on a former employee. They are currently about \$7,600.00 in arrears. Mayor Moulton will discuss this further with Museum officials.

PUBLIC COMMENT

John Wenz of 40 Duncan Avenue read a prepared statement regarding waterfront improvements and potential grants for studies. He stated that the Baymens Association has already volunteered to assist the Village in both

developing and implementing a plan and are ready to serve when called. He encourages the Village Board to follow the guidelines as laid out by the NYS Division of Coastal Resources when considering the next step with regard to changes on the waterfront.

Trustee Miller replied that the proposed Greenway application is the first step toward Riverfront revitalization. There will be several items to be addressed including the Mary Powell Dock, a new or improved boat ramp, public access, and cultural heritage.

Deb Degraw of Grandview Avenue asked if the Village Board will meet with the Master Plan Committee to discuss joint matters. For example, was the Master Plan involved in the preparation of the Greenway grant application for waterfront improvements?

Mayor Moulton replied that members of the Master Plan Committee have attended all meetings with village and elected officials in order to obtain information in the application of grants to begin the planning process.

OLD BUSINESS

MOUNTAIN ROAD/ PRIVATE WATER LINES – EASEMENTS

Mayor Moulton stated there is nothing new to report on this item.

BLACK ROCK FILTER PLANT STATUS/TESTING

Water Superintendent June reported that repairs to the upper vault will be completed next week. Installation of outside will take place thereafter. We are still awaiting a delivery date on the new surge protection tank for inside the plant.

RIVER AVENUE IMPROVEMENTS

Mayor Moulton stated that this item will be completed in 2006.

JOINT SEWER PLANT DISCUSSION

Trustee Hahn stated that a meeting has been scheduled for the week of February 6th in order to review status of the meter readings and improvements to the plant.

ORANGE COUNTY COMMUNITY DEVELOPMENT GRANT

The Village Clerk reported that she is in receipt of the cost estimate from the Village Engineer. She will send the plans, specifications and the cost estimate to the county for review and approval.

INTRODUCTORY LOCAL LAW I-7 OF 2004–STEEP SLOPE AND SOILS PRESERVATION

Mayor Moulton stated that this item is currently under review by the Master Plan Committee and Planning Board.

RIVERFRONT PARK SHELTER

Mayor Moulton stated that the foundation is approximately $\frac{3}{4}$ complete. The structure was delivered on January 23rd, and assembly will be scheduled for spring.

COMPREHENSIVE PLAN REVIEW COMMITTEE

Mayor Moulton stated that he is in receipt of an interim status report which is under review by the Village Board.

LOCAL DEVELOPMENT CORPORATION (LDC)

Mayor Moulton stated that this committee is nearing completion of its first project, the construction of the new DPW facility on Shore Road. He thanked DPW Gilmore for his hard work as “Clerk of the Works” on this project.

ASSISTANT WATER SUPERINTENDENT POSITION

Mayor Moulton stated that this item will be discussed in Executive Session later this evening.

INTRODUCTORY LOCAL LAW #I-5 ABANDONED VEHICLES AMENDMENT

Mayor Moulton stated that this item remains tabled for further study.

RESCHEDULE FEBRUARY 20, 2006 MEETING

Trustee Hahn made a motion to reschedule the February 20, 2006 regular meeting to February 13, 2006 at 7:00 PM, in observance of President’s Day, which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

INTRODUCTORY LOCAL LAW #I-6 LIMITED PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS RESOLUTION INTRODUCING LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE AND HEARING

Trustee Miller introduced the following resolution and moved for its adoption.

WHEREAS, an Introductory local law entitled “Limited Property Tax Exemption for Volunteer Firefighters Local Law” be and it hereby is introduced before the Board of the Trustees and of the Village of Cornwall-on-Hudson in the County of Orange and State of New York on December 19, 2005; and

NOW, THEREFORE BE IT RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Board Room, Village Office, 325 Hudson Street, in the Village of Cornwall-on-Hudson, New York at 7:00 o'clock P.M. on February 13, 2006, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Village of Cornwall-on-Hudson of said public hearing at least five (5) days prior thereto.

The foregoing motion was seconded by Trustee Fogarty and upon a vote of 5 ayes and 0 nays, the Mayor declared this resolution adopted.

INTEGRATED TELEPHONE SYSTEM – BID RESULTS

Mayor Moulton stated that Proposals for an Integrated Telephone System were opened on December 9, 2005, with three received. Discussions were held at the last work session with the bidders.

Trustee Edsall stated that the proposals varied in price range from the high \$20,000 range to the low \$50,000 range. After careful review of all proposals and the Villages need for an adaptable new telephone system, he recommends that the Village Board accept the proposal from Independent Telecommunications Corp. (ITC), which in his opinion the most cost effective for the long term.

Trustee Edsall made a motion to reject the proposals from Superior Telephone Systems and In-Touch Telecommunications, Inc. which was seconded by Trustee Miller and carried by a vote of 5 Ayes and 0 Nays.

Trustee Edsall made a motion to accept the proposal from Independent Telecommunications Corp (ITC), subject to unit pricing of telephones, in an amount not to exceed \$30,000.00. Installation of the phone system at the new DPW facility on Shore Road is to commence immediately. The balance of the phone system will be installed after the start of the new fiscal year. The motion was seconded by Trustee Fogarty and carried by a vote of 5 Ayes and 0 Nays.

2006-2007 BUDGET DISCUSSION

Trustee Fogarty stated that the proposed budget tackles finances (i.e. debt service) with a 5 year plan to reduce the Revenue Anticipation Notes.

Trustee Edsall stated that he would like to establish a Capital Improvement Project Fund to help fund future capital projects.

2006-2007 BUDGET ADOPTION

Trustee Edsall introduced the following resolution and moved for its adoption.

A RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING MARCH 1, 2006 AND ENDING FEBRUARY 28, 2007, MAKING APPROPRIATIONS FOR THE CONDUCT OF VILLAGE GOVERNMENT.

WHEREAS, the tentative budget for the year commencing March 1, 2006 and ending February 28, 2007 has been duly presented to the Board of Trustees of the Village of Cornwall-on-Hudson by the Budget Officer and a duly advertised Public Hearing has been held thereon,

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the tentative budget as amended and revised, be and hereby is adopted as the budget and all amounts set forth in Statement 1 as required for the payment of principal of and interest on indebtedness be and are hereby appropriated for the objects and purposes specified effective as of March 1, 2006.

The foregoing resolution was seconded by Trustee Fogarty and carried on a vote of 5 ayes and 0 nays.

Trustee Fogarty made a motion to authorize a four percent (4%) increase in water rates for the Town and Village for each 1,000 gallons consumed effective February 1, 2006 for the Town billing cycle, and February 16, 2006 for the Village billing cycle. In addition there will be a four percent (4%) increase in garbage fees. The Village sewer rate will remain at 85% of the water charge. There will be a six (6%) increase in hydrant and fire line fees. This motion was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

PROPOSED FEE SCHEDULE

Trustee Edsall made a motion to table action on this item until February 13, 2006 for additional Village Board review which was seconded by Trustee Miller and carried by a vote of 5 Ayes and 0 Nays.

NEW BUSINESS

TAX LEVY RESOLUTION

Trustee Miller introduced the following resolution and moved for its adoption.

A RESOLUTION LEVYING THE TOTAL TAXES AND OTHER CHARGES EXTENDED AND LEVIED AGAINST EACH PARCEL OF REAL PROPERTY SHOWN ON THE ROLL PREPARED AND VERIFIED BY THE ASSESSOR FOR THE 2006-2007 FISCAL YEAR.

RESOLVED, that there be levied and assessed against the real property of the Village of Cornwall-on-Hudson the following sums for village government and other charges for the fiscal year 2006-07 with a tax rate of \$7.89 per thousand of assessed valuation:

General Fund	
Total taxes for Current Budget	\$1,650,650.00
Delinquent water rents & charges	36,234.12
Delinquent sewer rents & charges	20,852.79
Delinquent garbage charges	27,774.52
Total Relevy	\$ 84,861.43
Total Real Property Taxes and Other Charges on Roll	\$1,735,511.43

The foregoing resolution was seconded by Trustee Hahn and the motion was carried upon a vote of 5 ayes and 0 nays.

ELECTION INSPECTOR APPOINTMENTS

The Clerk requested the following be appointed Election Inspectors for the upcoming March 21st election at a rate of \$75 per day:

Jeanne Maroney, as Chairperson, and Lorraine Trainor

And, as Alternate Inspectors:

Andrew Maroney, Margaret Flint, Jennie Pellegrino, Katherine Kelly

In addition, Ray Torracca, as Voting Machine Inspector at a rate of \$150 per machine.

Trustee Hahn moved to accept these appointments which was seconded by Trustee Miller and carried by a vote of 5 Ayes and 0 Nays.

MILEAGE RATE

Mayor Moulton is in receipt of a memo from the Assistant Treasurer that states that the mileage rate was reduced from \$0.485 to \$0.445 per mile effective January 1, 2006. Trustee Fogarty made a motion to accept the revised rates which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

VILLAGE ELECTION – REGISTRATION DAY

Mayor Moulton announced that the annual registration day for the Village of Cornwall-on-Hudson has been set for on Saturday, March 4, 2006 from 12:00 PM to 5:00 PM in the Board Room of the Village Hall, 325 Hudson St. This motion was seconded by Trustee Edsall and carried upon a vote of 5 ayes and 0 nays.

INTRODUCTION OF PROPOSED LOCAL LAW I-1 OF 2006 – ESCROW DEPOSITS

Trustee Hahn introduced the following resolution and moved for its adoption.

BE IT ENACTED by the Town Board of the Village of Cornwall-on-Hudson, Orange County, State of New York, as follows:

Section 1. Chapter 76 of the Code of the Village of Cornwall-on-Hudson, County of Orange, State of New York, entitled "FEE PROCEDURE", is hereby amended by adding thereto a new Article II, to be entitled "ESCROW DEPOSITS", which Article II shall provide read as follows:

ARTICLE 2 ESCROW DEPOSITS

§ 76 -20. Purpose.

- A. The Village Board enacts this chapter to put in place a system for the reimbursement of fees and expenses which would otherwise be raised by assessments of the taxpayers of the Village to defray the costs of the Village consultants, including, but not limited to, engineering, planning and legal with respect to the review of projects as defined in §76-22 of this Article. It is the intention of this chapter that the cost of such consultants should ultimately be paid by those who seek approvals from the Village, rather than from Village funds raised by assessments paid by taxpayers of the Village.
- B. The Village also wishes to establish a procedure to be followed requiring the deposit of those funds in a separate account and requiring that payments from that account be made only upon receipt and approval by the Village Board of itemized vouchers from its consultants following the determination by the Village Board as set forth in §76-5 of this Chapter.

§76-21. Statutory authority; supersession of Village Law.

This chapter is enacted under the authority of Subparagraphs a(1), (2), d(3) of Municipal Home Rule Law §10(1)(ii), and Municipal Home Rule Law § 22. To the extent Village Law Article 7 does not authorize the Village to require the reimbursement to the Village for its consultants' expenses incurred by the Village in connection with the review and consideration of projects as hereinafter defined in this chapter, it is the expressed intent of the Village Board to change and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event such expenses are not paid to the Village. It is the expressed intent of the Village Board to change and supersede all sections of Article 7 of the Village Law to empower to the Village to require such payments as a condition of such approvals.

§76-22. Definitions.

As used in this chapter the following terms shall have the meanings indicated:

APPLICANT — Any person, firm, partnership, association, corporation or entity of any type, kind or nature, who requests the Village, the Village Board, the Planning Board, the Zoning Board of Appeals, the Village Building Department or any other board or agency of the Village for approval of a project.

CONSULTANT — Any person or entity of any type which is retained by the Village to provide consulting services for any project.

PROJECT — Means and includes issuance of a permit, a subdivision, site plan, special permit, variance, interpretation, extension of water service into new areas, annexation petitions, and such other similar action where the Village Board determines to refer the action to a consultant.

§76-23. Reimbursement of fees and expenses.

All applicants for approval of any project in or with the Village shall reimburse the Village for all reasonable, necessary and appropriate consulting expenses incurred by the Village in connection with the review and consideration of such project.

§76-24. Deposit of funds; payments of fees.

- A. Simultaneously with the filing of an application for approval of a project with the appropriate official or board of the Village, the applicant shall deposit with the Village Clerk a sum of money as determined in accordance with the provisions of this chapter which sum shall be used to pay the costs described in §76-4 of this chapter.
- B. In the event that the deposit amount does not appear on the schedule of deposits referred to in §76-6 of this chapter, upon the Village computing the deposit amount pursuant to the provisions of this chapter and advising the applicant in writing of the appropriate amount, the applicant shall deposit that sum with the Village Clerk in accordance with the above provision.
- C. Upon receipt of such monies, the Village Clerk shall cause such monies to be placed in a non-interest bearing account in the name of the Village and shall keep a separate record of all such monies so deposited and the name of the applicant and project for which sums were deposited.
- D. Upon receipt and approval by the Village Board of an itemized voucher from a consultant for services rendered on behalf of the Village pertaining to the project, the Village Clerk shall cause such voucher to be paid out of the monies so deposited and shall debit the separate record of the account accordingly.
- E. The consultant shall furnish copies of such voucher to the applicant at the same time such voucher is submitted to the Village.
- F. The Village Board shall review and audit all such vouchers and shall approve payment of only such consulting fees and disbursements as are reasonable in amount and necessarily incurred by the Village in connection with the review, consideration and action on the project. For purpose of the foregoing, a fee or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by consultants to the Village for services performed in connection with the review of similar projects in the Village, and if there are no similar projects in the Village, then for similar projects located in Orange County, to the extent that such similar projects may exist. The Village Board may take into consideration the size, type and nature of the project, together with such special features, including topography, soil conditions, water, drainage conditions and any special conditions or considerations as the Village Board may consider relevant. The approval of the voucher by the Village Board shall be deemed to be made by the Board after taking any or all of the foregoing into consideration when so acting.
- G. At any time during or after the review of any project there shall be insufficient monies on hand to the credit of such applicant to pay the approved vouchers in full, or if it shall reasonably appear to the Village Clerk that such monies will be insufficient to meet vouchers yet to be submitted, the Village Clerk shall advise the applicant who shall deposit additional sums as the Village Clerk deems necessary or advisable in order to meet such expenses or anticipated expenses.
- H. 1. In the event that the applicant fails to deposit such monies, the Village Clerk shall notify, as applicable, the board or officer of the Village of such failure, and any review, approval, building

permit or certificates of occupancy may be withheld by the appropriate board or officer of the Village until such monies are deposited.

2. Payment of the fees by the applicant shall be a prerequisite for approval of the application but shall be paid regardless of whether approval is granted or not. If the relief sought by the applicant is granted but the fee(s) is not paid, the issuing authority can revoke its action ex parte, and afterwards notify the applicant, and that the relief sought will not be granted until the fee(s) is paid.

I. 1. After conclusion of the review of the project and after payment of all approved vouchers submitted, any sums remaining on account to the credit of such applicant shall be returned to such applicant along with the statement of the vouchers so paid.

2. If payment is by check, payment is not to be considered final until the check clears the bank of the drawer.

§76-25. Disputed Fees.

Any applicant who disputes any fee statement presented to him may bring a proceeding in the Supreme Court of the State of NY, and for the County of Orange, pursuant to Art. 78 of the CPLR, within 30 days of the presentation of such disputed fee statement. The commencement of such a proceeding shall not stay the obligation of the applicant to pay any fee statement presented to him pursuant to this chapter.

§76-26. Failure to Pay

Any fee statement imposed by this chapter which remains unpaid at the time the Village certifies its annual tax roll shall become a lien upon the premises for which the application was made. Such unreimbursed fees shall thereupon be levied against said premises, as if a tax on real property, and in addition to all other taxes, fees, rents or charges which would otherwise be so levied. In the event the affected premises comprise more than one tax lot, the Village Treasurer shall distribute such levy equally among such tax lots without regard to assessed value or any other factor."

§76-27. Deposit amounts.

A. The amount of the initial deposit for various projects covered by this chapter shall be set forth in a schedule of deposits from time-to-time by resolution of the Village Board. Said schedule shall remain in effect and shall apply to all applicants until amended or revised by subsequent resolution. In the event the Village receives an application for a project for which the amount of the initial deposit has not been established on the schedule of deposits, the Village Board shall forthwith establish an amount of the initial deposit for such project and the Village Clerk shall notify the applicant.

B. No monies deposited pursuant to this chapter shall be used by the Village to offset the Village's general expenses of consultants' services nor for its general administration expenses.

§76-28. Deposits in addition to application fees.

The deposits required by this Chapter shall be in addition to any application fees which may be required by any other regulation of the Village.

The foregoing resolution was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

The Mayor declared this resolution adopted.

GREENWAY GRANT APPLICATION – APPROVAL

Mayor Moulton stated that a grant application to the Hudson River Valley Greenway in the amount of \$10,000 has been prepared. The application seeks funds to initiate technical consulting work to confirm feasibility of the restoration of the Mary Powell Dock at Donahue Memorial Park.

Trustee Miller made a motion to approve the grant application which was seconded by Trustee Edsall and carried by a vote of 5 ayes and 0 nays.

Having concluded the business set before them, Trustee Edsall moved to adjourn the meeting into Executive Session to discuss a personnel matter with the Water Superintendent which was seconded by Trustee Fogarty and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 8:55 PM.