

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

October 16, 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 William T. Fogarty
Trustee Mark J. Edsall
Trustee Peter J. Miller

Also present were: DPW Superintendent Robert Gilmore, Water Superintendent Robert June, Police Sergeant Christopher Park, SKEC #2 Fire Chief Jeffrey Armitage, Deputy Village Attorney Howard Protter, and Village Clerk Jeanne Mahoney.

Trustee Hahn moved for the acceptance of the September 18, 2006 Regular Meeting and October 2, 2006 Special Meeting Minutes as read, on a motion seconded by Trustee Miller, the minutes were approved 5 ayes and 0 nays.

TREASURER'S REPORT

Mayor Moulton stated that a treasurer's report has been prepared through September and distributed to the Village Board for review.

Mayor Moulton is in receipt of a letter from Joseph McKinstrie of Nugent & Haussler regarding the audit proposal for fiscal year ending February 28, 2006. The fee for these services will not exceed \$15,800.00. New accounting requirements on fixed assets and depreciation schedules have caused the fees to increase sharply.

Trustee Edsall made a motion to accept the 2006 audit proposal from Nugent & Haussler in the amount of \$15,800.00. and authorize the Mayor to sign the agreement. which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

In order to cover the additional expense, Trustee Edsall made a motion to authorize a budget revision moving 3000 from line A1990.4 General Contingency to A1380.4 General Fiscal Auditor Expense which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays. In addition Trustee Edsall made a motion to authorize a budget revision moving \$19,000 from line F1990.4 (Water Contingency) to F1380.4 Water Fiscal Auditor Expense which was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

Upon the recommendation of the Village Treasurer, Trustee Fogarty made a motion to resolve "Due To(s) and Due From(s)" as per the schedule presented which was seconded by Trustee Miller and carried by a vote of 5 ayes and 0 nays.

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

Village water, sewer, garbage & penalties \$ 104,134.97 Town water & penalties 354,994.37 Which included 0 finals/adjustments for the Village and 2 for the Town.

The following claims were approved for payment: General Fund claims in the amount of \$ 261,615.86 Water Fund claims in the amount of 89,353.02 Sewer Fund claims in the amount of 3,804.80 Trust & Agency claims in the amount of 622.84

DEPARTMENT REPORTS

The Fire Department reported 40 responses, including 10 emergency medical service (EMS) calls, for a total of 579 volunteer man hours.

Mayor Moulton is in receipt of a copy of a letter sent to the Cornwall Local by the Fire Chief Armitage inviting residents to the Storm King Fire House on October 28th from 10:00 AM to 12:00 PM for a Question and Answer session on the proposed changes to Volunteer Firefighter Benefits on the November 7th ballot.

The Code Enforcement Officer reported 5 certificates of occupancy were issued. In addition 3 property maintenance and 1 unregistered vehicle violations were issued.

The Building Inspector reported 50 on site inspections, 1 fire inspection, and 15 building permits were issued.

The Department of Public Works reported sweeping of roadways, blacktopping of potholes, grass mowing, brush cutting, and grinding of roadway on Elpis, Taylor and Lafayette Street for preparation of blacktopping.

The Water Department reported an average daily production of 1.161 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 82 utility locations were made, 12 meters were repaired or replaced, and 4 special readings were taken. In addition to routine maintenance, water services were repaired at 226 Willow Ave., 167 Hudson St. and 15 Broadway, a curb box was repaired at 5 Ferguson Rd., and a valve box was repaired at 64 Maple Rd.

Water Superintendent June reported that the float relief vault and float assembly was installed at the Black Rock Microfiltration Plant. The supply line from the Upper Reservoir to the Plant was flushed. He offered his appreciation to Matthew Clancy and Larry Lawless for their hard work and

Michael Trainor.

Water Superintendent June further provided the Village Board with copies of a letter he received from Bob Stoddard of 50 Weeks Avenue thanking his department for their professionalism while repairing a water leak in front of his home.

The Police Department reported 9 COV AC assists; 14 calls were covered for/assisted to Town Police; 10 responses to burglar alarms; 8 E-911 hangups; 6 domestic incidents; 56 crimes were committed (48 of which were disorderly conduct calls); 1 vehicle lockout; 6 accidents were investigated; 25 moving violations; and 10 parking tickets were issued. Total patrol miles = 3,987, not including mileage on Chief's vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation of eight (8) open cases.

Chief Williams further reported that his department covered the St. Lukes/Cornwall Hospital Gala at Donahue Memorial Park on September 9th with no incidents.

CORRESPONDENCE

Mayor Moulton is in receipt of a letter from Joseph Amato of the Cornwall Commons Project. He is concerned regarding the lack of progress being made by the Village Engineer on the plans for extension of a 12" line from Halvorsen Road across Route 9W to service his project.

Mayor Moulton stated that the Village Engineer has been contacted and action will be forthcoming

Mayor Moulton is in receipt of a letter from the Orange County Department of Planning announcing that a symposium on "green designs" and energy efficiency will be held at the Newburgh Public Library on October 26th from 8:30 AM to 4:30 PM.

Mayor Moulton is in receipt of a copy of a letter sent by the Deputy Village Attorney to Time Warner ~ recommending some changes to the draft proposed franchise renewal.

Mayor Moulton is in receipt of a thank you note from Kerry Cambria of St. Lukes/Cornwall Hospital for helping to make the Gala a success.

Mayor Moulton is in receipt of a letter from Susan Christensen of the Museum of Hudson Highlands requesting assistance with a fund raising event planned for spring of 2007. They would like to hold a "walk-a-thon/hike-a-thon" starting at their facility on the Boulevard and finishing at Kenridge Farms.

Hearing no objection from the Board, Mayor Moulton will offer our support.

Mayor Moulton is in receipt of a letter from Christine Kirk of Bayview Avenue stating that we must address the 8-18 age group and establish activities for them to make "safe choices". There is a need for places that children may go after school and on weekends such as a skateboard park.

Mayor Moulton stated that he called a Town Council member to discuss a joint venture between the Village and Town. He wants to establish a committee from members of each municipality and take a "town wide approach" to the concerns of our youth.

Mayor Moulton made a motion to appoint Jeffrey Small to fill the unexpired term of Michele Ferraro on the Village Planning Board which was seconded by Trustee Fogarty and carried by a vote of 5 ayes and 0

nays.

PUBLIC COMMENT

Gene Duffian of 15 Idlewild Avenue asked the Village to help stop vandalism. He recently had damage done to his vehicle. He acknowledged that there are a lot of good kids, but the bad kids are "rude and disruptive".

Emily Russell of 16 Barr Avenue stated that kids are skateboarding off the recently repaired steps in front of C-on-H Elementary School. There are groups of kids, including gang members, meeting on school property and causing trouble. She says that children should not be afraid to be on school property after school hours.

Rick Gioia of 167 Hudson Street stated that there are lots of good kids in this community. The Village and residents should take an "enlightened approach" to the problem and not condemn kids across the board.

Peter Russell of 16 Barr Avenue stated residents aren't condemning an entire demographic, but some parents are not accepting responsibility for their child(ren). In that case, the government needs to step in. If kids and their families want something to be done they should work for and earn it.

Mayor Moulton stated that the school has been reluctant to press charges against kids on their property. Sergeant Park added that his department has been trying to work with the school on this growing problem, but is not getting any help.

Barbara Mannix of 45 Washington St. stated that the C-on-H PTO is aware of the ongoing problems with kids on school property; however the problem also exists in other Village locations, i.e. Cumberland Farms. Kids are "hanging out" and provoking property owners. People are feeling threatened, which is intolerable.

Trustee Miller stated that the School Board must act and soon. School property must be eliminated as a "hangout" and the whole community must be protected.

Mary Ann McGinnis-Adamo of Mountain Road commended the Village Police for using great discretion. Most kids congregate at the school in order to meet up with friends, not to cause trouble.

Kate Benson of 2 Washington St. stated that the problem is that some parents need to be held accountable for the actions of their children. If a resident observes inappropriate behavior, he/she should become involved and speak to the person(s). She is reluctant to hand over parental control to the government. In addition, she feels that skateboarders should be offered organized activities and a safe place to practice their sport.

Me. Lissa Stoffa of 87 Duncan Avenue stated that this is an ongoing problem. She appreciates the comments and suggestions from the public this evening; however 2:00pm - 7:00pm these children.

--

M~ Ellen DeTeresa of 73 Weeks Avenue stated that skateboarders in general are not to blame, but unless something is done to address the problem kids, something dangerous will happen.

Jim Goodwine of Salisbury Mills stated that people look at kids like "scum". If given a place to go, the community will see that skateboarders aren't bad.

Zach Gioia of 167 Hudson St. stated that there needs to be a place where teenagers will want to go to.

Mary Donahue of Bayview Avenue stated that she has been part of committees looking into this problem since the 1970's. Over the years, several attempts have been made to give kids a safe place to go, but all failed.

Trustee Miller stated that teenagers want to "hang out" with friends in places where they can be seen, i.e. the Village Business District.

Deke Hazirjian of Grandview Avenue stated that teenagers are being driven into the Village from other communities. We should know who these children are. He feels that the Village should have a Youth Police Officer.

Sergeant Park stated that his department reports to every call they receive regarding suspicious behavior. They get names and address of those involved. The police are trying to address the problem, but if there is no hazardous or criminal activity going on, they children can not be told to leave.

Scott Perkins of Hudson St. stated that skateboarders are not the issue. The problem is with the kids "hanging out" and no obvious punishment for their bad behavior.

Connor Benson of 2 Washington St. stated that most skateboarders act responsibly and use "spotters" to keep themselves and others safe.

Cheryl Busher of Mountain Road agrees that some parents are not taking responsibility for the actions of their kids. She sees kids out very late at night, and asked if the Village has considered imposing a curfew.

Mayor Moulton replied that a curfew has only been imposed on Halloween night in the Village.

David Fitzgerald of Taft Place stated that the police should make it very "inconvenient" for the parents of kids that cause trouble.

Sergeant Park replied that if a police officer observes a child out late, he/she makes a report and follows up with Child Protective Services. They can not report to PINS as it is a school program.

Marie Fitzgerald of Taft Place stated that kids are getting out of control because there are no real consequences for bad behavior.

Trustee Miller stated that the NYS Appellate Court ruled that police must be "thick skinned" when liGating with civilians. Children under 16 are minors and subject to "immature outbursts" not disorderly conduct.

~

~""~"Cc~ili"" c""c~

Lee Murphy of 269 Hudson St. stated that having extra police officers on duty has not stopped the youth problem. He suggests "foot patrols". In addition, based upon the comments this evening, the subtext is fear. More police presence may help to alleviate those fears.

Sergeant Park stated that the youth problem is Village wide and not just in the business district area. Officers must patrol wooded areas as well.

Trustee Miller stated that foot patrols are effective but also expensive.

Trustee Edsall stated that there is no easy solution. The School Board should hear from the community and share their concerns.

Geor!e Burl!er of Vine brook Avenue stated that it all comes down to the parents. He suggests that the Village Board consider a curfew.

Mayor Moulton stated that the Village Board will consider a curfew.

OLD BUSINESS

BLACK ROCK FILTER PLANT ST A TUS/MODIFICA TIONS

Mayor Moulton stated that this item was covered earlier in tonight's agenda. JOINT SEWER PLANT DISCUSSION

Trustee Hahn stated that there is nothing new to report on this item.

ORANGE COUNTY COMMUNITY DEVELOPMENT GRANT

Mayor Moulton stated that we are awaiting the award acceptance letter along with the necessary bonds and certificates of insurance from Andes Contractors. In addition, floor samples were taken from an independent agency for traces of asbestos. We are awaiting the test results. If asbestos is found, updated estimates on removal will be sought.

STEEP SLOPES NIEW PRESERVATION REVISIONS Mayor Moulton stated that this item remains tabled.

COMPREHENSIVE PLAN REVIEW COMMITTEE

Deputy Village Attorney Protter stated that his office is assisting in preparation of the final document. A preliminary draft will be ready shortly.

LOCAL DEVELOPMENT CORPORATION (LDC)

Deputy Village Attorney Protter stated that the committee recently met and appointed new officers, including Dou Land subject to a resolution from the Village Board

FEE SCHEDULE - REVISIONS

DPW Superintendent Gilmore reported that the revised fee schedule is working well so far. WATERFRONT REVIT ALIZATION COMMITTEE

Mayor Moulton stated that the committee is scheduling open sessions over the next few weeks to gain public input. The next session will take place on October 18th at 7:00 in the Village Board Room. CSEA & PBA NEGOTIATIONS

Mayor Moulton stated that negotiations on a CSEA contract are basically complete. Several points will need discussion in Executive Session this evening. We are still awaiting proposed meeting dates on PBA negotiations and the return of the PBA President.

ENCROACHMENTS

Mayor Moulton stated that the notices will go out shortly to homeowners regarding encroachments of several properties onto the Village right of way along Cornwall Avenue, Grandview Avenue, River Street, Hudson St., etc.

PROPOSED LOCAL LAW - PHONEBOOK DISTRIBUTION

Mayor Moulton stated that this item will be tabled for discussion at the next work session in November. TRAFFIC STUDY

PROPOSALS

Mayor Moulton is in receipt of three (3) proposals for a traffic study of the Village Business District.

Trustee Edsall has been asked to review these proposals for discussion at the next work session. COMMUNITY EMERGENCY MANAGEMENT PLAN

Mayor Moulton stated that copies of a new Community Emergency Management Plan for the Town and Village have been distributed to the Village Board for review.

NEW BUSINESS

ELECTION RESOLUTION

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

RESOLUTION ON ANNUAL ELECTION - MARCH 20, 2007

Notice is hereby given that the Annual Election will be held in the Meeting Room of the Village of Cornwall-on-Hudson, 325 Hudson St., Cornwall-on-Hudson, N.Y., on the 20th day of March, 2007, between the hours of Noon and 9 PM and that at such election, the following officers are to be elected for the terms set opposite thereto, respectively.

Cj;": "" , "r~" , ?"" "" ~ ;c:~.fP(fl~; ; ; ""!ii~

- " : ~

Mayor Two Years Trustee Two Years Trustee Two Years

The foregoing resolution was seconded by Trustee Fogarty, and upon a vote of 5 Ayes and 0 Nays, the Mayor declared the resolution adopted on October 16, 2006.

GRIEVANCE DAY

Mayor Moulton announced that the annual Village Grievance Day to be held on Tuesday, November 21, 2006 from 4:00 - 7:00 PM.

In addition, Mayor Moulton announced that Brigid Flynn has volunteered to be part of the Village Grievance Board this year.

ORANGE COUNTY PROPERTY TAX EXEMPTION RESOLUTION

Trustee Miller introduced the following resolution and moved for its adoption. *VILLAGE OF CORNW ALL-ON-HUDSON REQUEST FOR REAL PROPERTY TAX EXEMPTION OF THE VILLAGE OWNED WATER SUPPLY PROPERTY*

WHEREAS, the Village of Cornwall-on-Hudson is the owner of real property in the Town of Cornwall and Town of New Windsor, County of Orange, identified on the tax map as follows:

SECTION BLOCK LOT Cornwall 32 1 17 4 2 56
29 1 50 29 1 54 31 1 15 32 1 8.1

New Windsor 65 1 20

AND, WHEREAS, the above real property is devoted solely to public use and part of the Village owned water system as the sites for water wells, plant treatment, chlorinator and water shed; and

WHEREAS, the Real Property Tax Law, Section 406(3) provides the authority for each taxing district in which municipally owned property used in such manner is located, to grant a whole exemption from real property taxes levied by that taxing district; and

WHEREAS, such exemption for the Village of Cornwall-on-Hudson water supply site real property would provide a direct and immediate benefit for the taxpayers and water users of the Village of Cornwall-on-Hudson which would enhance real property ownership, encourage industrial and

commercial development and exemplify a spirit of intermunicipal cooperation between the County of Orange and this Village.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Cornwall-on- Hudson on behalf of the Village of Cornwall-on- Hudson, its taxpayers, water system users and citizens hereby petition the County of Orange, Town of Cornwall, and Town of New Windsor to grant a whole exemption from State, County, and Town real property taxes commencing for calendar year 2008 for the parcels of real property identified above in the Town of Cornwall and Town of New Windsor.

SECTION BLOCK LOT Cornwall 32 1 17 4 2 56
29 1 50 29 1 54 31 1 15 32 1 8.1

New Windsor 65 1 20

AND IT IS FURTHER RESOLVED, that the Mayor and Village Attorney are authorized to attend such meeting of the Orange County Legislature and Committees thereof as may be appropriate to aid and assist in the deliberations on this petition by that body.

The foregoing resolution was seconded by Trustee Edsall, and upon a vote of 5 Ayes and 0 Nays, the Mayor declared the resolution adopted on October 16, 2006.

The Mayor then directed the Village Clerk to petition the Cornwall Central School District, Town of Cornwall, and Town of New Windsor for relief of tax exemption from real property taxes for the calendar year 2008.

ANNUAL SUPPLY BIDS

The Village Clerk presented the annual supply bids to include #2 Fuel Oil & "Off-Road Diesel", Water Treatment Chemicals, Water Meters, and Sludge Removal Services. The bid opening is to be held November 17th beginning at 2:00 PM at the Village Hall. Trustee Edsall made a motion to approve the specifications of the bid documents, seconded by Trustee Miller, and upon a vote of 5 Ayes and 0 Nays, the motion was carried.

Trustee Edsall then made a motion to authorize bidding and the publication of the notice to bidders indicating that bids will be accepted until 2:00 PM for Water Treatment Chemicals, 2:15 PM for Water Meters, 2:30 PM for #2 Fuel Oil & "Off Road Diesel", and 2:45 PM Sludge Removal Services on November 17, 2006, which was seconded by Trustee Miller, and upon a vote of 5 Ayes and 0 Nays, the motion was carried.

Mayor Moulton accepted a petition from Village residents asking that 7th and 8th graders be added to the Summer Playgroup U11d Program. This petition will be discussed by the Village Board at a later date.

Having concluded the business set before them, Trustee Miller moved to adjourn the meeting into Executive Session to discuss personnel matters with the DPW Superintendent, Police Officer DiMiceli, and the Village Clerk which was seconded by Trustee Fogarty and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned at 9: 12 PM.

The meeting was reconvened at 9:40 PM.

Trustee Miller made a motion authorizing additional sick leave until November 13, 2006 to Louis DiMiceli. This is subject to receipt of an updated medical report listing his current medical condition and prognosis toward a future return to active duty. The motion was seconded by Trustee Hahn and carried by a vote of 5 ayes and 0 nays.

Having concluded the business set before them, Trustee Hahn moved to adjourn the meeting at 9:45 PM which was seconded by Trustee Fogarty and upon a vote of 5 Ayes and 0 Nays, the meeting was adjourned.

