

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

February 26, 2007

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 William T. Fogarty

Absent Was: Trustee Peter J. Miller

Also present were: DPW Superintendent Robert Gilmore, Water Superintendent Robert June, Deputy Village Attorney Howard Protter, and Village Clerk Jeanne Mahoney.

PUBLIC HEARING INTRODUCTORY LOCAL LAW I-1 of 2007, "Maple Avenue Extension Parking Regulations Local Law" Proof of Notice, Affidavit of Posting and Publication having been furnished, and copies of the text having been given to each Board Member on January 22, 2007, the Public Hearing on Local Law on Maple Avenue Extension Parking Regulations was called to order at 7:31 PM by Mayor Moulton.

Eileen Schilling of 14 Academy Avenue supports this change in the law. She stated that presently it is a dangerous situation.

Susan Ostrander of 13 Grandview Avenue is concerned that people will not respect the posted signs and problems will continue once the law is changed. In order for it to work, proper enforcement should be required.

Mayor Moulton replied that "special emphasis" on enforcement will take place, especially in the first month.

Trustee Edsall stated that he and Police Chief Williams met with school officials and engineers to discuss future "design improvements". One idea being considered is a sidewalk and curb on the fence side of the roadway.

Margaret Menge, editor of the Cornwall Local asked if a notice will be sent to parents once the law is adopted. Mayor Moulton replied that we will work with the school district once the law is filed in Albany.

Having no one further speak for or against said amendment, the Mayor declared the Hearing was closed at 7:35 PM.

Mayor Moulton welcomed Trustee Hahn back after his medical leave and expressed that the Board is glad to have him back.

Trustee Edsall moved for the acceptance of the January 22, 2007 Regular Meeting Minutes as submitted, on a motion seconded by Trustee Fogarty, the minutes were approved 4 ayes and 0 nays.

## **TREASURER'S REPORT**

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

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

Village water, sewer, garbage & penalties	\$ 29,747.99
Town water & penalties	315,075.29

Which included 1 finals/adjustments for the Village and 2 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of \$	347,692.77
Water Fund claims in the amount of	164,077.69
Sewer Fund claims in the amount of	4,255.48
Trust & Agency claims in the amount of	321.05

## **COMMITTEE REPORTS**

Summer Playground Trustee Edsall reported that a recreation study is ongoing on a request to expand the age groups.

## **DEPARTMENT REPORTS**

The Police Department reported 10 COVAC assists; 14 calls were covered for/assisted to Town Police; 13 responses to burglar alarms; 3 E-911 hangups; 2 domestic incidents; 9 crimes were committed (with one arrest made); 4 vehicle lockouts; 5 accidents were investigated; 15 moving violations; and 1 parking ticket were issued. Total patrol miles = 3,154 not including mileage on Chief's vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation of seven (7) open cases.

The Water Department reported an average daily production of 1.154 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 47 utility locations were made, 10 meters were repaired or replaced, and 3 special readings were taken. In addition to routine maintenance, all fire hydrants were winterized, and water services were repaired at 14 Chestnut St., 16 Chestnut Street, and 19 Mailler Ave. A curb box was repaired on Chadeayne Ave., a leak on an air relief was repaired at Orrs Mills and Lyndon Lane, a 6" water main leak was repaired on Highland Ave., and Russell St., and a fire hydrant was repaired on Mountain Road.

Water Superintendent June further reported that testing and commissioning of equipment at the Black Rock Treatment Plant was completed. In addition, operators received “hands on” training (running the plant with no chemical addition). Start up and final inspection by the Village engineer and Health Department should be completed by first week in March. It is anticipated that the plant will be “on line” the second week of March, after sample results are received.

The Code Enforcement Officer reported 5 certificates of occupancy were issued.

The Building Inspector reported 56 on site inspections, 4 fire inspections, 5 municipal searches, 1 stop work order, and 6 building permits were issued.

The Department of Public Works reported equipment maintenance for winter months, removal of old salt shed from former highway garage, and cold-patching.

DPW Superintendent Gilmore further reported that on February 15, 2007, the Assistant Building Inspector’s car was damaged by snow and ice. The insurance company has determined the car “totaled”. He requests that the former Fire Chief’s vehicle (Ford Explorer) be primarily assigned to the Assistant Building Inspector. It will be registered as a non emergency vehicle and the red lights removed.

Mayor Moulton made a motion to assign the 1996 Ford Explorer (VIN: 1FMDU34X1TUD27059) as primary vehicle used by the Assistant Building Inspector which was seconded by Trustee Fogarty and carried by a vote of 4 ayes and 0 nays.

The Fire Department reported 44 responses, including 7 emergency medical service (EMS) calls, for a total of 308 volunteer man hours.

## **PUBLIC COMMENT**

Joseph Gross of Lafayette Street stated at the last work session the Mayor adjourned into Executive Session to discuss CSEA matters and development projects. He would like to know what development projects were discussed in Executive Session.

Deputy Village Attorney Protter replied that the Board discussed the CSEA Memorandum of Understanding (MOU), a pending litigation matter, and a contractual matter concerning a request for water service on a proposed development in the Town.

Rick Gioia of Hudson Street asked if the Village is considering placement of ice arrestors around the eaves of the new DPW building to prevent a reoccurrence of vehicle damage from ice and snow.

Mayor Moulton stated that the DPW Superintendent is currently looking into that.

## **OLD BUSINESS**

### **BLACK ROCK FILTER PLANT STATUS/MODIFICATIONS**

Mayor Moulton stated that this item was discussed earlier in tonight’s agenda.

### **JOINT SEWER PLANT DISCUSSION**

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

#### ORANGE COUNTY COMMUNITY DEVELOPMENT GRANT – ADA BATHROOMS SKEC #2

Mayor Moulton stated that this project is approximately 90% complete.

He further stated that the Board will be soliciting suggestions for the 2007 grant cycle. One consideration is an application to complete sidewalk improvements in the Village.

#### STEEP SLOPES/VIEW PRESERVATION REVISIONS

Mayor Moulton stated that the Board is awaiting completion of the Master Plan report and suggestions.

Brigid Flynn of Andrews Street reminded the Board that she thinks it is important that a representative from these committees attend board meetings to provide monthly status reports.

Mayor Moulton replied that although no committee representative is here this evening, he is in frequent contact with the Chairman of this committee.

#### COMPREHENSIVE/MASTER PLAN REVIEW COMMITTEE

Deputy Village Attorney Protter stated that there 2 small areas of the report still to be finalized including the Hudson St. traffic analysis and some statistical information from the assessors office on differences in commercial and residential assessments. A graphic artist is working to put the report in a uniform format for publication.

#### LOCAL DEVELOPMENT CORPORATION (LDC)

Trustee Edsall made a motion to accept, with regret, the resignation of Kathy Krom from the Local Development Corporation (LDC) which was seconded by Trustee Hahn and carried by a vote of 4 ayes and 0 nays.

#### WATERFRONT REVITALIZATION COMMITTEE

Mayor Moulton stated that a meeting is scheduled for February 28, 2007 at 7:15 PM in the Village Board Room. In addition, he and Committee Chairperson Wenz met with Senator Larkin 2 weeks ago to discuss available assistance.

#### CSEA & PBA NEGOTIATIONS

Deputy Village Attorney Protter stated that an agreement has been reached with the CSEA for a 4 year contract with step increases of 4% for 2006, 3.75% for 2007, 3.5% for 2008, and 3.25% for 2009. A provision to remove the Columbus Day holiday and provide an additional personal leave day is in this agreement. Bereavement leave has been expanded and health insurance and compensatory time provisions have been “cleaned up”. Negotiations with the PBA negotiating committee are underway. The next meeting has been scheduled for March 5<sup>th</sup> at 7:00 PM.

Trustee Fogarty made a motion to approve the Memorandum of Agreement (MOA) with the CSEA which was seconded by Trustee Edsall and carried by a vote of 4 ayes and 0 nays.

## ENCROACHMENTS

Mayor Moulton provided an overview of this issue's history going back to 2001 when the Village Board was first approached with safety concerns about traffic and parking. The Board determined that it needed to ascertain ownership of property in Cliffside Park, and Mr. Richard Dekay was commissioned to do a survey. Now that encroachments have been identified, it is time to decide on a course of action and begin development of a plan to repair and resurface the roadway. This is in the very early stages of study. He stated that he met with some neighbors last week and now suggests a joint study of the Board and residents is a "good way to go with this". The Deputy Village Attorney has been asked to check on the encroachment question itself as it applies to New York State and if there is any room for "give and take".

Trustee Edsall visited the neighborhood to get a better understanding of the current situation. He suggested that a realistic approach to this issue would be to make the roadways one-way to traffic. He stated that this matter is in its infancy of collecting data and he is unaware of any plans in place.

Trustee Fogarty agreed with Trustee Edsall's suggestion for one-way traffic. He stated that most people on these roadways live there and it will help the flow of traffic and on street parking issues.

Mayor Moulton then opened this item for public comment.

Deborah Degraw of Grandview Avenue requested that the survey be made available to the public again. She also asked for information regarding how this survey was done.

Trustee Edsall explained that Mr. Dekay, a licensed surveyor, prepared a layout survey. That survey determined property boundaries and indicates where private improvements encroached into Village property on record.

Barbara Farabaugh of 24 Cornwall Avenue stated there is no traffic problem in Cliffside Park. It is a small development.

Catherine Paull of 30 Grandview Avenue read a prepared statement regarding street widening, landscape removal and other planned changes in Cliffside Park. In addition, she provided the Board with copies of a Residential street typology and injury accident frequency report. She then asked if there are any accident reports and fire reports on file.

Trustee Fogarty stated that feels the Board needs to prioritize the projects currently before them (i.e. upcoming sewer repairs, the Village's financial situation, the Master Plan report, etc.) and "tackle the big fish before going after something else".

Trustee Edsall stated that although upgrades on Cliffside Park may be helpful, funds are not currently available to accomplish them.

Larry Belmont of 30 Cornwall Avenue stated that he has lived in Cliffside Park for over 30 years and no emergency vehicles have had issues responding to a call. He requested an answer as to why the Board is looking to make changes when none are needed.

Mayor Moulton replied that the whole premise is to allow safe passage of traffic.

Margaret McLaughlin of Grandview Avenue stated that she has lived there for 50 years and asked if the roads will be paved as part of any future project to which the Mayor replied yes once it is determined where the roads are supposed to be.

Christine McDonald of Cornwall Avenue suggested the Board table this issue. She thinks the letters sent out to correct encroachments were a mistake. Any statute of limitation on these encroachments appears to be well past due. The community of Cliffside Park seems to work as is.

Deputy Village Attorney Protter replied that if encroachments are affecting public safety, the Board can not ignore that. That must still be determined.

Keith Garvey of 26 Cornwall Avenue stated that no parking signs and a limitation to vehicle size sign are missing and should be replaced. In addition, water and sewer lines in this area are old and their replacement should be included in any future roadway improvements.

Mary O'Mara of 35 Cornwall Avenue received a letter to correct an encroachment on her property. She stated the wording on the letter and tonight's discussion is very different and vague and requested clarification.

Deputy Attorney Protter explained that although the letter may sound a little harsh, it is a similar position the Village has taken with encroachments throughout the Village forever. When the DPW determines steps or a stone wall is on Village property, we have consistently insisted that the encroachment be corrected. All improvements must be done on their own property not the Village right of way. That is all that has been done in this instance. There are no plans to do anything with respect to the road. When it is determined that people are using Village property, it is not inappropriate to send out a notice to have it corrected.

Catherine Paull asked why ask residents to remove encroachments if there is no plan in place. A design should be in place before anyone is required to remove any property improvements.

Deputy Village Attorney Protter replied that the studies she refers to makes great sense, but they're designed by engineers not an "ad hoc" basis by homeowners deciding to put improvements into the public right of way.

Frank Ostrander of Grandview Avenue stated that there is a significant difference between correcting encroachments from new construction vs. construction that perhaps has preceded any survey showing it is on Village property. Since some of these encroachments have existed for decades, he feels that the Village should no longer have the same rights to it. This matter should have further investigation before proceeding.

Deputy Village Attorney Protter replied that legally that does not apply because we can't get adverse prescriptive rights against the public. When the Village owns the street, it is public and private property owners can not claim adverse possession against the public.

Betty Radzik of 31 Cornwall Avenue stated that her driveway has become the "new turn around" for vehicles and that is fine with her. She feels that the Village should be required to maintain (i.e. mowing) the pieces of properties identified as encroachments onto the Village right-of-way.

Mayor Moulton stated that the Board has received a report from the Fire Chief dated February 26, 2007 regarding concerns in placement of major apparatus during an emergency in Cliffside Park. He invited the public to read this report.

Jonathan Dunaief of 20 Cornwall Avenue stated that there is no hazard in Cliffside Park, and that oversized trucks were able to get through when the Mayor's house was being constructed. The landscaping on the Mayor's property is closer to the road than his neighbor's and asked if the Mayor received an encroachment letter.

The Mayor replied that his landscaping is on his property and that it is not closer to the roadway than his neighbor.

Barbara Farabaugh stated that planted hedges provide a natural safety barrier protecting homes and property.

Susan Ostrander asked what the survey took so long to complete and why the Village chose to spend money on it when there is such a large debt load being carried.

Mayor Moulton explained that it was very complicated and required a lot of research and measuring of a large area.

Eileen Schilling asked that since the Village does not have a plan to move forward, can't the letters be tabled?

Trustee Edsall made a motion to rescind the encroachment letters dated December 20, 2006 and to table further action by the Village Board until information regarding legal issues and a better project scope is received. The motion was seconded by Trustee Fogarty and carried by a vote of 4 ayes and 0 nays.

Margaret McLaughlin encouraged people to approach these matters with the appropriate people right away and there would be less anger.

Keith Garvey stated that he doesn't envy the Board, but a lot of hostility could be avoided if they had invited people to a meeting to discuss encroachments and future plans, rather than sending out letters.

Judy Wilson of 8 Grandview Avenue thanked the Board for working with the community and showing flexibility on this issue.

INTRODUCTORY LOCAL LAW – HAND BILL AND UNSOLICITED PRINTED MATERIALS

Mayor Moulton stated that this item will remain tabled while the Village Board explores the possibility of online registration.

#### INTRO LOCAL LAW I-1 OF 2007 – MAPLE AVE EXTENSION PARKING REGULATIONS

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

**WHEREAS**, an Introductory local law entitled "MAPLE AVENUE EXTENSION PARKING REGULATIONS" was introduced before the Board of Trustees of the Village of Cornwall-on-Hudson on January 22, 2007, and upon notice duly published and posted, a hearing was held on February 26, 2007 before the Board of Trustees; and

**WHEREAS**, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

**NOW, THEREFORE, BE IT RESOLVED**, that the adoption of the Introductory local law entitled "Maple Avenue Extension Parking Regulations" is hereby determined to be a Type II action and determined not to have a significant effect on the environment.

**BE IT FURTHER RESOLVED**, that the Introductory Local Law entitled "Maple Avenue Extension Parking Regulations" of the Village of Cornwall-on-Hudson be and hereby is adopted as Local Law #1 of 2007 of the Village of Cornwall-on-Hudson on February 26, 2007.

The foregoing resolution was seconded by Trustee Hahn, and upon a vote of 4 ayes and 0 nays, was adopted.

Trustee Edsall suggested that sidewalk improvements along Maple Avenue Extension be included any upcoming sidewalk project discussion.

#### CORNWALL YACHT CLUB – CERTIORARI PROCEEDINGS RESOLUTION

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

**BE IT RESOLVED**, that the Village Board of the Village of Cornwall-on-Hudson hereby appoints Jacobowitz and Gubits, LLP, to represent the Village in defense of the tax certiorari proceeding(s) commenced against the Village for the 2007-08 tax year by the following:

Cornwall Yacht Club, Inc. Index No. 0865/07

The foregoing resolution was seconded by Trustee Fogarty and upon a vote of 4 ayes and 0 nays, the Mayor declared the resolution adopted.

#### NEW BUSINESS

#### LONG TERM HEALTH CARE WORKSHOP

Mayor Moulton announced that the Village is hosting a workshop on Long term health care issues on February 27, 2007 at 7:00 PM.

## 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 3, 2007 from 12:00 PM to 5:00 PM in the Board Room of the Village Hall, 325 Hudson St.

Having concluded the business set before them, Trustee Fogarty moved to adjourn the meeting into Executive Session to discuss a personnel matter with the DPW Superintendent, Water Superintendent and Deputy Village Attorney, which was seconded by Trustee Hahn and upon a vote of 4 Ayes and 0 Nays, the meeting was adjourned at 8:55 PM.

The meeting reconvened at 9:00 PM

## MANAGEMENT BENEFITS

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

WHEREAS, the Superintendent of Public Works, the Village Clerk, and the Superintendent of Water as management employees have received the benefits of the CSEA and PBA collective bargaining agreements over the years; and

WHEREAS, the Village wishes to affirm the continued application of this principle following the adoption of the new Memorandum of Understanding (MOU) with the CSEA.

NOW THEREFORE BE IT RESOLVED THAT:

The Village Clerk, the Superintendent of Public Works and the Superintendent of Water shall continue to receive these benefits and upon retirement shall receive the better of health insurance plans provided by the CSEA or PBA agreements.

The foregoing resolution was seconded by Trustee Fogarty and carried by a vote of 4 ayes and 0 nays.

## ROBERT GILMORE VACATION TIME

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

BE IT RESOLVED that Robert Gilmore's vacation days are dealt with as follows:

- Forty (40) hours be rolled over into the first quarter of the new fiscal year, and if not used, will be lost.
- Eighty (80) hours will be rolled over into the new fiscal year (2007-08).
- One hundred eight (108) hours will be reimbursed.
- Eighty three (83) hours will be forfeited to the Village.

The foregoing resolution was seconded by Trustee Fogarty and carried upon a vote of 4 ayes and 0 nays.

Having concluded the business set before them, Trustee Fogarty moved to adjourn the meeting which was seconded by Trustee Edsall and upon a vote of 4 Ayes and 0 Nays, the meeting was adjourned at 10:20 PM.